

## Absent—Excused.

Cox of Lamar.	Rountree.
Fuchs.	Snelgrove.
Hines.	Tillotson.
Kenyon.	Veatch.
Nicholson.	Williams
Purl.	of Hardin.

Mr. Duvall moved to reconsider the vote by which the bill was passed, and to table the motion to reconsider.

The motion to table prevailed.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence for today for the purpose of serving on the Highway Investigating Committee:

Messrs. Murphy, Wallace, Graves of Williamson and Hornaday.

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

H. C. R. No. 20, Recalling Senate bill No. 37 from the Governor for further consideration.

The Senate has concurred in House amendments to the following Senate bills by a vote of 21 yeas, 0 nays: Senate bills Nos. 483, 414, 266, 306 and 57.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

## ADJOURNMENT.

On motion of Mr. Holder, the House, at 10:30 o'clock p. m., adjourned until 9:30 o'clock a. m. tomorrow.

## THIRTY-FIRST DAY.

(Thursday, February 21, 1929.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Baldwin.
Acker.	Barnett.
Ackerman.	Bateman.
Adkins.	Beck.
Albritton.	Bond.
Anderson.	Bounds.
Baker.	Bradley.

Brice.	McDonald.
Brooks.	McGill.
Carpenter.	McKean.
Chastain.	Metcalfe.
Coltrin.	Minor.
Conway.	Montgomery.
Cox of Limestone.	Moore.
Cox of Navarro.	Morse.
Davis.	Mosely.
DeWolfe.	Mullally.
Dunlap.	Murphy.
Duvall.	Negley.
Enderby.	Olsen.
Ewing.	O'Neill.
Eickenroht.	Palmer.
Finn.	Patterson.
Finlay.	Pavlica.
Forbes.	Petsch.
Gates.	Pool.
Gerron.	Pope of Jones.
Gilbert.	Pope of Nueces.
Giles.	Prendergast.
Graves of Erath.	Purl.
Graves	Quinn.
of Williamson.	Ray.
Hardy.	Reader.
Harding.	Renfro.
Harman.	Richardson.
Harper.	Rountree.
Harrison.	Sanders.
Heaton.	Savage.
Hefley.	Shaver.
Hogg.	Shelton.
Holder.	Sherrill.
Hopkins.	Shipman.
Hornaday.	Simmons.
Hubbard.	Sinks.
Jenkins.	Smith.
Johnson	Snelgrove.
of Dimmit.	Speck.
Johnson of Scurry.	Stephens.
Johnson of Smith.	Stevenson.
Jones.	Storey.
Justiss.	Strong.
Kayton.	Tarwater.
Keeton.	Thurmond.
Keller.	Turner.
Kemble.	Van Zandt.
Kennedy.	Veatch.
Kincaid.	Waddell.
King.	Wallace.
Kinnear.	Walters.
Land.	Warwick.
Lee.	Westbrook.
Lemens.	White.
Long of Houston.	Wiggs.
Long of Wichita.	Williams
Loy.	of Sabine.
Mankin.	Williams
Martin.	of Travis.
Mauritz.	Woodall.
Maynard.	Young.
McCombs.	

## Absent—Excused.

Avis.	Fuchs.
Cox of Lamar.	Hines.

Kenyon.	Tillotson.
Mehl.	Webb.
Nicholson.	Williams
Reid.	of Hardin.
Rogers.	Woodruff.
Thompson.	

A quorum was announced present.

Prayer was offered by Rev. J. C. Mitchell, Chaplain.

#### LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Mehl for today, on motion of Mr. Keller.

Mr. Purl for yesterday, on motion of Mr. Cox of Navarro.

Mr. Kenyon for today and the balance of the week, on motion of Mrs. Moore.

The following members were granted leaves of absence on account of illness:

Mr. Webb for today and the balance of the week, on motion of Mr. Savage.

Mr. Avis for today, on motion of Mr. Sherrill.

Mr. Tillotson for today, on motion of Mr. Chastain.

Mr. Hines for today, on motion of Mr. Prendergast.

Mr. Cox of Lamar for today, on motion of Mr. Wiggs.

Mr. Fuchs for today, on motion of Mr. Shelton.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills and resolution:

H. B. No. 26, "An Act making it unlawful for the fraudulent taking of cotton and cotton seed under the value of fifty (\$50.00) dollars; making the first offense a misdemeanor and the second and subsequent offenses a felony; and prescribing punishment therefor, and declaring an emergency."

H. B. No. 624, "An Act to amend Chapter 39 of the Local and Special Laws enacted by the Thirty-second Legislature at its Regular Session, convened on January 10, 1911, and adjourned on March 11, 1911, and approved on March 13, 1911, the same being a special road law for Fisher county, Texas, by adding thereto Sections 15 and 16, authorizing the commissioners court of Fisher county to issue bonds of said county for the purpose of funding indebtedness incurred for road and

bridge purposes and to levy a tax in payment thereof."

H. B. No. 588, "An Act amending subdivision 63 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, and providing for an additional term of court for Val Verde county."

H. B. No. 319, "An Act to amend Chapter 42 of the Acts of the Thirty-ninth Legislature passed at its Regular Session, and declaring an emergency."

H. B. No. 16, "An Act to establish and maintain an agricultural experiment station in the blacklands region of Texas; authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said board of directors to establish and maintain the same, to accept donations of land, water and money for the establishment of said station; making an appropriation to pay the cost of establishing said station, and for the operation of same, and declaring an emergency."

H. B. No. 383, "An Act creating a more efficient road system for Dickens county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of Dickens county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency."

H. B. No. 443, "An Act to amend Chapter 86 of the Local and Special Laws enacted by the Thirty-fifth Legislature at its Regular Session in 1917, same being a special road law for Morris county, by adding thereto Section

27a, authorizing the commissioners court of Morris county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof."

H. B. No. 473, "An Act making an appropriation to pay the mileage and per diem of the presidential electors of Texas for the year 1929."

H. C. R. No. 20, Recalling certain bill from Governor.

H. B. No. 556, "An Act amending subdivision 25 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, providing for changing and prescribing terms and times of holding courts in the Twenty-fifth Judicial District of Texas."

H. B. No. 562, "An Act creating a more efficient road system for Jeff Davis county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts."

H. B. No. 584, "An Act validating all orders, judgments, and proceedings of the County Court at Law for Eastland county."

H. B. No. 506, "An Act to amend Chapter 74 of the Local and Special Laws enacted by the Thirty-ninth Legislature at its Regular Session, approved March 7, 1925, same being a special road law for Denton county, by adding thereto Section 19a, authorizing the commissioners court of Denton county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceedings within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid."

H. B. No. 633, "An Act to amend Section 7 of the Collin county road law, the same being Chapter 79 of the Acts of the First Called Session of the Fortieth Legislature; and declaring an emergency."

H. B. No. 340, "An Act creating a more efficient road system for Hemphill county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the lay-

ing out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof, etc.; and declaring an emergency."

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Keller, House bill No. 716 was ordered not printed.

On motion of Mr. Bond, House bill No. 637 was ordered not printed.

On motion of Mr. Montgomery, House bill No. 690 was ordered not printed.

On motion of Mr. McGill, House bill No. 710 was ordered not printed.

#### COMMITTEE SUBSTITUTE ORDERED PRINTED.

On motion of Mr. Long of Wichita, the committee substitute to House bill No. 619 was ordered printed instead of the original bill.

#### RELATING TO WORKING IN CERTAIN STATE DEPARTMENT ON LEGAL HOLIDAYS.

Mr. Minor offered the following resolution:

H. C. R. No. 21, Relating to working on legal holidays.

Whereas, Under the criminal statutes of the State, department heads are prohibited to open their departments and require employes to work on legal holidays; and

Whereas, The Land Office of the State comes under the provisions of these statutes; and

Whereas, The Special Land Office Investigating Committee authorized under Senate concurrent resolution No. 4 has a force of auditors checking the records of the Land Office; and

Whereas, The expense of the auditors will go on just the same and at great expense to the State should they not be permitted to continue their work on legal holidays; -and

Whereas, The Land Commissioner has indicated a willingness to open his office on Friday, February 22, 1929, for the convenience of the Investigating Committee and auditors, should the Legislature so request and direct; therefore, be it

Resolved by the House of Representatives, the Senate concurring, That the Land Commissioner be and he is hereby requested to open his office on Friday, February 22, 1929, in order that the special auditors may continue their work uninterrupted; be it further

Resolved, That this resolution in no wise suggests that regular employes of the Land Office be asked to perform any labor or service in conflict with the statutes of the State, and that this resolution seeks only to expedite the work of the Investigating Committee.

Signed—Minor, Bond, Stevenson.

The resolution was read second time and was adopted.

#### SENATE BILL NO. 26 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 26, A bill to be entitled "An Act providing additional compensation for the chief deputy clerk of the Courts of Civil Appeals of this State to be paid from fees collected by the clerks of said courts, and declaring an emergency."

The bill was read third time.

Mr. Stevenson offered the following amendments to the bill:

(1)

Section 1. Add "Clerk Court of Criminal Appeals."

(2)

Section 2. Add "the Clerk of the Court of Criminal Appeals shall upon the delivery of a decision furnish one copy of such opinion to the appellant's attorney and when requested by State attorney one copy of opinion free of charge," and amend the caption to conform thereto.

The amendments were adopted.

Mr. McCombs offered the following amendment to the bill:

Amend Senate bill No. 26 by striking out all of the last line of Section 2, after the word "opinion," and add the following: "To the clerk of the court from which the appeal was taken, one copy for appellant and one for appellee," and amend the caption to conform thereto.

The amendment was adopted.

Senate bill No. 26 was then finally passed.

#### SENATE BILL NO. 73 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

S. B. No. 73, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas to acquire, operate and manage seven boys' dormitories at the University of Texas, and to furnish and equip the same, and

a dining hall building in connection therewith; authorizing said regents to prescribe plans and specifications not inconsistent herewith, and to accept said buildings when completed without cost to the State of Texas; authorizing said regents to make contracts with reference to the acquisition, management and control of said buildings, and appropriating the sum of one hundred and fifty thousand (\$150,000) dollars with which to purchase furniture, fixtures and appointments therefor, and declaring an emergency."

The bill was read third time and was passed.

#### SENATE BILL NO. 75 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 75, A bill to be entitled "An Act to amend Articles 4513, 4514, 4516 and 4523, Chapter 7, Revised Statutes of Texas of 1925, providing for the appointment of a Board of Nurses Examiners; prescribing their qualifications and duties; providing how meetings of said board shall be called; providing for the appointment of an educational secretary and prescribing her qualifications and duties; and providing for the issuance of temporary permits to graduate nurses under certain conditions, and prescribing the fee to be paid therefor."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 75 ON THIRD READING.

Mr. Kayton moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—95.

Mr. Speaker.	Cox of Limestone.
Ackerman.	Cox of Navarro.
Baker.	DeWolfe.
Barnett.	Dunlap.
Bateman.	Enderby.
Beck.	Ewing.
Bond.	Finn.
Bounds.	Finlay.
Bradley.	Forbes.
Carpenter.	Gerron.
Coltrin.	Gilbert.
Conway.	Giles.

Graves	Negley.
of Williamson.	Palmer.
Graves of Erath.	Patterson.
Hardy.	Pavlica.
Harding.	Petsch.
Harper.	Pool.
Harrison.	Pope of Jones.
Heaton.	Prendergast.
Hefley.	Purl.
Hogg.	Quinn.
Holder.	Ray.
Hopkins.	Reader.
Hornaday.	Richardson.
Hubbard.	Rountree.
Johnson	Sanders.
of Dimmit.	Savage.
Johnson of Scurry.	Shaver.
Johnson of Smith.	Shelton.
Jones.	Sherrill.
Justiss.	Shipman.
Kayton.	Sinks.
Keeton.	Snelgrove.
Kennedy.	Speck.
Kincaid.	Stephens.
Lee.	Stevenson.
Long of Houston.	Storey.
Mankin.	Strong.
Martin.	Tarwater.
Mauritz.	Turner.
Maynard.	Veatch.
McCombs.	Walters.
McDonald.	Warwick.
McGill.	Westbrook.
McKean.	White.
Metcalfe.	Wiggs.
Minor.	Williams
Montgomery.	of Sabine.
Mosely.	Williams
Mullally.	of Travis.
Murphy.	

Nays—5.

Albritton.	Eickenroht.
Brice.	Jenkins.
Brooks.	

Absent.

Acker.	Long of Wichita.
Adkins.	Loy.
Anderson.	Moore.
Baldwin.	Morse.
Chastain.	Olsen.
Davis.	O'Neill.
Duvall.	Pope of Nueces.
Gates.	Renfro.
Harman.	Simmons.
Keller.	Smith.
Kemble.	Thurmond.
King.	Van Zandt.
Kinnear.	Waddell.
Land.	Woodall.
Lemens.	Young.

Absent—Excused.

Avis.	Fuchs.
Cox of Lamar.	Hines.

Kenyon.	Tillotson.
Mehl.	Wallace.
Nicholson.	Webb.
Reid.	Williams
Rogers.	of Hardin.
Thompson.	Woodruff.

The Speaker then laid Senate bill No. 75 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—96.

Ackerman.	Martin.
Baker.	Maynard.
Baldwin.	McCombs.
Barnett.	McGill.
Bateman.	Metcalfe.
Beck.	Minor.
Bond.	Montgomery.
Bounds.	Morse.
Bradley.	Mosely.
Carpenter.	Mullally.
Conway.	Murphy.
Cox of Limestone.	Negley.
Davis.	Palmer.
DeWolfe.	Patterson.
Dunlap.	Pavlica.
Enderby.	Petsch.
Ewing.	Pool.
Eickenroht.	Pope of Jones.
Finn.	Prendergast.
Finlay.	Purl.
Forbes.	Quinn.
Gerron.	Ray.
Gilbert.	Reader.
Giles.	Richardson.
Graves of Erath.	Rountree.
Graves	Sanders.
of Williamson.	Savage.
Hardy.	Shaver.
Harding.	Shelton.
Harper.	Sherrill.
Harrison.	Shipman.
Heaton.	Simmons.
Hefley.	Sinks.
Holder.	Snelgrove.
Hopkins.	Speck.
Hornaday.	Storey.
Hubbard.	Strong.
Johnson	Tarwater.
of Dimmit.	Turner.
Johnson of Scurry.	Van Zandt.
Johnson of Smith.	Veatch.
Jones.	Wallace.
Justiss.	Walters.
Kayton.	Warwick.
Keeton.	White.
Kennedy.	Wiggs.
Kincaid.	Williams
Lee.	of Sabine.
Long of Houston.	Williams
Mankin.	of Travis.

## Nays—4.

Albritton.  
Brice.Brooks.  
Jenkins.

## Absent.

Acker.  
Adkins.  
Anderson.  
Chastain.  
Coltrin.  
Cox of Navarro.  
Duvall.  
Gates.  
Harman.  
Hogg.  
Keller.  
Kemble.  
King.  
Kinneer.  
Land.  
Lemens.  
Long of Wichita.  
Loy.Mauritz.  
McDonald.  
McKean.  
Mehl.  
Moore.  
Olsen.  
O'Neill.  
Pope of Nueces.  
Renfro.  
Smith.  
Stephens.  
Stevenson.  
Thurmond.  
Waddell.  
Westbrook.  
Woodall.  
Young.

## Absent—Excused.

Avis.  
Cox of Lamar.  
Fuchs.  
Hines.  
Kenyon.  
Nicholson.  
Reid.Rogers.  
Thompson.  
Tillotson.  
Webb.  
Williams  
of Hardin.  
Woodruff.

## BILL RECOMMENDED.

On motion of Mr. Bateman, Senate bill No. 353 was recommended to the Committee on Insurance.

CONFERENCE COMMITTEE REPORT  
ON SENATE BILL NO. 49.

Mr. Sinks called up, for consideration at this time, the following report:

Committee Room,

Austin, Texas, February 20, 1929.

Hon. Barry Miller, President of the Senate, and Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your Conference Committee on Senate bill No. 49, have had the same under consideration and have adjusted the difference between the House and Senate, and recommend the passage of the following substitute bill:

F. C. C. S. S. B. 49. By Williamson.

## A BILL

## To Be Entitled

An Act to create the State Board of Pharmacy; providing for its appointment, terms and tenure of office and its members; defining its duties and powers; and to regulate the practice

of pharmacy, and providing for the licensing of pharmacists and regulating the distribution, compounding and sale of medicines, drugs, chemicals and poisons in the State of Texas; defining the terms pharmacist, pharmacy, and board; providing penalties, and repealing all existing laws in conflict herewith; and providing for exceptions from the provisions of this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created a board to be known as the State Board of Pharmacy, consisting of six (6) members, to be appointed by the Governor, each of whom shall have been a registered pharmacist, under the provisions of the law for a period of five (5) years next preceding the appointment, and shall at the time of his appointment be in good standing and engaged in retail pharmacy, and the majority of the board shall be graduates of a recognized college of pharmacy, and shall not be connected in any capacity with any school or college of pharmacy. The term of office of each member of said board shall be six years.

Sec. 2. In making the first appointment the Governor shall appoint two members of said board for two years, two for four years and two for six years, and thereafter the term of each member shall be six years so that the terms of two members shall expire every two years. Vacancies on the board shall be filled by the Governor for the unexpired term only.

Sec. 3. Each member of the board shall be paid \$5.00 per day for each day he attends meetings of the board, not to exceed five days for each thirty applicants or less examined at any regular session and not to exceed five days for a special session, and time going to and returning from meetings shall be included in computing said time, and in addition to said per diem each member shall receive expenses incurred while actually engaged in the performance of the duties of the board. Appointees and the secretary to the board shall within (30) days after their appointment take, subscribe and file with the Secretary of State the constitutional oath of office.

Sec. 4. Said board within (30) days after appointment shall meet and organize by electing a president and vice-president and treasurer from its membership, and a secretary who may or may not be a member of the board, whose salary shall be fixed by the board not

to exceed \$300 per month. The secretary and treasurer shall each be required to execute a bond in the sum of \$10,000 for the faithful performance of his duties, payable to the State of Texas. The board shall have the power to make by-laws and regulations, not inconsistent with the law, for the proper performance of its duties and the duties of its officers and employees, and shall have the power to employ the necessary employees to carry out the provisions of this act.

Sec. 5. The board shall fix the standards for pharmaceutical registration, except as otherwise specified herein. The compensation of the members, officers and employees of the board shall be paid out of funds procured under this act, provided that the State of Texas shall never be liable for the salary or expense of any member of the board, or its officers or employees, or any other expense thereof. The books and registers as made and kept by the secretary or under his supervision, subject to the direction of the board, shall be prima facie evidence of the matter therein recorded in any judicial proceedings in this State.

Sec. 6. The State Board of Pharmacy shall hold regular meetings for the examination of applicants for registration and for the transaction of such other business as may legally come before it twice a year, and may hold additional special meetings as may be necessary, not to exceed four in any calendar year. The date and place of the regular meetings shall be designated at a regular session, and the additional meetings to be held at such places and on such dates as may be designated by the president of the board. The members and officers, including the secretary of the board, shall be empowered to administer oaths in connection with duties of the board. The board shall make annually to the Governor of the State a written report of its proceedings and an itemized account of its receipts and disbursements under this act; also the names of all pharmacists duly registered under this act during the fiscal year for which the report is made; and the name of all pharmacists whose license or permits have been cancelled, with a memorandum of the grounds upon which such license was cancelled, during the fiscal year.

Sec. 7. It shall be the duty of the State Board of Pharmacy to see that all laws which pertain to the practice of pharmacy are enforced, and it shall be their duty to present to the prosecut-

ing officers of the State all violations of the provisions of this law.

Sec. 8. It shall be unlawful for any person who is not a registered pharmacist under the provisions of this act, or who is not under direct supervision of one so registered to compound, mix or manufacture, or sell or distribute at retail to the consumer any drugs or medicines, except in original packages, provided that all persons now registered in this State as pharmacists shall have all the rights which are granted to pharmacists under this act and provided further that nothing contained in this act shall be construed to prevent the administration or compounding of drugs and medicines carried or kept by licensed physicians, dentists, veterinarians, and chiropodists in order to supply the needs of their patients; nor to prevent the sale of patent or proprietary medicines in original packages only and insecticides and fungicides, and harmless chemicals used in the arts, when properly labeled; nor to prevent licensed physicians, dentists, veterinarians and chiropodists from compounding, manufacturing and selling any medicines of their own formula.

Sec. 9. Every applicant for license as a registered pharmacist shall be not less than twenty-one years of age, of good moral character, and a graduate of a school or college of pharmacy recognized by the board. Such applicant, in addition to the time required to graduate from school or college of pharmacy, and exclusive of the portion of the year spent in attendance at school or college, shall have had at least one year of practical experience in retail pharmacy under the direct supervision of a registered pharmacist, which experience shall be principally work directly related to selling drugs and poisons, compounding of pharmaceutical preparations and physicians' prescriptions, and keeping of records and making reports required under the State and Federal statutes; and to obtain a license shall pass a theoretical and practical examination satisfactory to the Board of Pharmacy. Provided that the board may at its discretion grant license as pharmacist to persons who furnish proof that they have been registered as such in some other State, and that they are of good moral character, provided such other State in its examination required the same general degree of fitness required by this State and grants the same reciprocal privileges to pharmacists of this State; and provided that exemption from the graduate in pharmacy re-

quirement for entrance to examination for registration as pharmacist shall be allowed to persons who before this act becomes effective have been employed for at least six months in a retail pharmacy under the supervision of a registered pharmacist and who registered with the board for such examination within one year after this act becomes effective and who, within not more than five years from date on which this act becomes effective, produce satisfactory evidence to the Board of Pharmacy of having had four years' of pharmaceutical training under the supervision of a registered pharmacist and shall successfully pass the examination required by the Board of Pharmacy.

Sec. 10. It shall be unlawful for any person to impersonate before the board an applicant applying for registration or license under this act, or to fraudulently acquire a license in any other manner than provided for in this act.

Sec. 11. Every applicant for examination for registration as pharmacist shall pay an examination fee of ten dollars (\$10); every applicant for reciprocal registration shall pay a registration fee of twenty-five dollars (\$25).

Sec. 12. The registration of any pharmacist shall be revoked by the board after the registrant has been convicted of having violated any of the provisions of this law, or shall have been convicted of a felony, or shall have been convicted of drunkenness, or of any offense, in either State or Federal court, involving the illegal use, sale or transportation of intoxicating liquor or narcotic drugs. Revocation of registration shall only be after ten (10) days' notice and a full hearing. Any person feeling himself aggrieved on account of the action of the board may institute proceedings in the district court of Travis county, Texas, for the purpose of having the license reinstated.

Sec. 13. All certificates and current renewal receipts for pharmacists as herein provided shall be at all times conspicuously displayed in the place of business where registrant is engaged as such. Any certificate to practice pharmacy, in Texas, which may be found displayed in any place of business where the person to whom said certificate was originally issued is not regularly employed as a pharmacist and actually engaged in the service of filling prescriptions may be cancelled by the board, and any inspector, member or officer of the board is hereby empowered to take charge of such certificate

pending final hearing before the board as to revocation of same.

Sec. 14. Every registered pharmacist who desires to continue the practice of pharmacy in this State shall annually, on or before the second day of January of each year, pay to the secretary of the Board of Pharmacy a renewal fee of three dollars (\$3.00). If any person fails or neglects to procure his renewal registration before March first of each year his name shall be erased from the register of licensed pharmacists, and such person, in order to regain registration, shall be required to pay one annual renewal fee in addition to the sum of all fees such person may be in arrears. Provided, also, that the board shall each year turn over to the State Pharmaceutical Association for the advancement of sciences and art of pharmacy, out of the annual fees collected by it, the sum of two dollars (\$2.00) for each pharmacist actively engaged and one dollar (\$1.00) for each pharmacist inactively engaged in pharmacy in this State. Provided further that a pharmacist not actively engaged in the practice of pharmacy in this State shall be issued a renewal certificate upon the payment of a fee of two dollars (\$2.00) annually or in lieu of such annual fee, said inactive pharmacist, after passing the age of 45 years, at his option be issued a lifetime certificate upon the payment of fifteen dollars (\$15).

Sec. 15. In all stores in which a registered pharmacist is continuously employed, and where the provisions of this act have been fully complied with, there shall be displayed in a prominent place in or on the front of said store the words "Pharmacy."

Sec. 16. It shall be unlawful for any person to display in or on any store or place of business the words "Pharmacy" either in the English or any foreign language, unless there is continuously employed therein a registered pharmacist under the provisions of this act. The provisions of this section shall not apply to towns or villages of a population of five hundred (500) inhabitants or less.

Sec. 17. Every person, firm or corporation desiring to continue operating a retail pharmacy in this State, as same is defined herein, and every manufacturer of drugs and medicines as defined herein, after the passage of this act shall procure from the board a permit for each store or factory to be operated by making, within six months, applica-



tion to the board upon a form to be furnished by the board, setting forth under oath ownership and location, and the name, with the certificate number, of the pharmacist registered in this State, or physician, dentist, veterinarian or chiropodist who is to be continuously employed in the pharmacy or factory; this permit to be issued annually by the board upon receipt of proper application accompanied by fee of two dollars (\$2); this permit to be displayed conspicuously at all times in the store or factory of original issue. Every person, firm or corporation desiring to open a new drug store or factory shall procure permit aforementioned before commencing business. Not more than one store or factory may be operated under one permit. In case of change of personnel of registered pharmacist, the board shall be notified of such change within ten days.

Sec. 18. Chapter 8 of Title 71 of the Revised Civil Statutes of 1925, and all other laws and parts of laws in conflict with this act, are hereby repealed; provided, that nothing herein contained shall be construed to amend or repeal any acts or sections of acts which govern the manufacture, sale or distribution of narcotics or spirituous liquors.

Sec. 19. A "pharmacy" as used in this act is any store or place where drugs or medicines are sold or furnished at retail to the consumer wherein a registered pharmacist is continuously employed.

Sec. 20. A "pharmacist" as used in this act means a person licensed by the State Board of Pharmacy to prepare, compound and dispense physicians' prescriptions, drugs and medicines and poisons.

Sec. 21. Any person violating any provision of this act shall be guilty of a misdemeanor and, upon conviction, shall be fined in any sum not less than \$25 or more than \$200, or imprisoned in the county jail for not less than ten nor more than sixty days, or shall be punished by both such fine and imprisonment; and each day of violation shall be construed to constitute a separate offense.

Sec. 22. Should any portion or section of this act be declared unconstitutional, such decision shall affect that section or part of section only and shall not render invalid any of the remainder of the act.

Sec. 23. The fact that the present pharmacy law has been enacted for more than twenty years and is now inadequate to meet the present conditions,

and in order to better protect the health of the people, creates an emergency and an imperative public necessity requiring that the constitutional rule requiring bills to be read on three several days be, and the same is hereby, suspended and that this act shall take effect and be in force from and after its passage, and it is so enacted.

Respectfully submitted,  
WILLIAMSON,  
BECK,  
BERKELEY,  
HYER,  
HARDIN,

On the part of the Senate.

SINKS, Chairman;  
COLTRIN,  
FINN,  
DUNLAP,  
READER,

On the part of the House.

On motion of Mr. Sinks, the report was adopted by the following vote:

Yeas—98.

Mr. Speaker.	Jenkins.
Acker.	Johnson
Ackerman.	of Dimmit.
Albritton.	Johnson of Scurry.
Baker.	Johnson of Smith.
Baldwin.	Jones.
Barnett.	Justiss.
Bateman.	Kayton.
Beck.	Keller.
Bounds.	Kennedy.
Bradley.	Kincaid.
Brice.	King.
Brooks.	Land.
Carpenter.	Lee.
Coltrin.	Long of Houston.
Conway.	Long of Wichita.
Cox of Limestone.	Mankin.
Davis.	Martin.
DeWolfe.	Maynard.
Dunlap.	McCombs.
Enderby.	McDonald.
Ewing.	McGill.
Finn.	Metcalfe.
Finlay.	Minor.
Forbes.	Montgomery.
Gerron.	Morse.
Gilbert.	Mullally.
Giles.	Negley.
Graves	Palmer.
of Williamson.	Patterson.
Harding.	Pavlica.
Harper.	Petsch.
Harrison.	Pool.
Hefley.	Pope of Jones.
Holder.	Prendergast.
Hopkins.	Purl.
Hornaday.	Quinn.
Hubbard.	Reader.

Richardson.	Strong.
Rountree.	Tarwater.
Savage.	Turner.
Shaver.	Van Zandt.
Shelton.	Veatch.
Sherrill.	Walters.
Shipman.	Warwick.
Simmons.	White.
Sinks.	Wiggs.
Smith.	Williams
Snelgrove.	of Sabine.
Speck.	Williams
Storey.	of Travis.

Nays—3.

Heaton.	Renfro.
Mosely.	

Absent.

Adkins.	Mauritz.
Anderson.	McKean.
Bond.	Mehl.
Chastain.	Moore.
Cox of Navarro.	Murphy.
Duvall.	Olsen.
Eickenroht.	O'Neill.
Gates.	Pope of Nueces.
Graves of Erath.	Ray.
Hardy.	Sanders.
Harman.	Stephens.
Hogg.	Stevenson.
Keeton.	Thurmond.
Kemble.	Waddell.
Kinnear.	Westbrook.
Lemens.	Woodall.
Loy.	Young.

Absent—Excused.

Avis.	Thompson.
Cox of Lamar.	Tillotson.
Fuchs.	Wallace.
Hines.	Webb.
Kenyon.	Williams
Nicholson.	of Hardin.
Reid.	Woodruff.
Rogers.	

## SENATE BILL NO. 80 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 80, A bill to be entitled "An Act to amend Article 2095, Chapter 7, Title 42, of the Revised Civil Statutes of the State of Texas of 1925, so such article shall provide for the compiling of jury cards for the jury wheel in counties of over 150,000 population, placing such compiling under the supervision of the district clerk, and providing funds for the employment of typists for compiling and other expenses necessary."

The bill was read second time and was passed to third reading.

## SENATE BILL NO. 80 ON THIRD READING.

Mr. Morse moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 80 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—104.

Mr. Speaker.	Kincaid.
Acker.	King.
Albritton.	Lee.
Baker.	Long of Houston.
Baldwin.	Long of Wichita.
Barnett.	Loy.
Bateman.	Mankin.
Beck.	Martin.
Bond.	Mauritz.
Bounds.	Maynard.
Bradley.	McCombs.
Brice.	McGill.
Brooks.	Metcalf.
Carpenter.	Minor.
Chastain.	Montgomery.
Coltrin.	Moore.
Conway.	Morse.
Cox of Limestone.	Mosely.
Davis.	Mullally.
DeWolfe.	Murphy.
Dunlap.	Negley.
Enderby.	Palmer.
Ewing.	Patterson.
Finn.	Pavlica.
Finlay.	Petsch.
Forbes.	Pool.
Gates.	Prendergast.
Gerron.	Purl.
Gilbert.	Quinn.
Graves	Ray.
of Williamson.	Richardson.
Harding.	Rountree.
Harman.	Sanders.
Harper.	Savage.
Harrison.	Shaver.
Heaton.	Shelton.
Hefley.	Sinks.
Hogg.	Smith.
Holder.	Snelgrove.
Hopkins.	Speck.
Hornaday.	Stevenson.
Hubbard.	Strong.
Johnson	Turner.
of Dimmit.	Van Zandt.
Johnson of Smith.	Veatch.
Johnson of Scurry.	Waddell.
Jones.	Wallace.
Justiss.	Walters.
Kayton.	Warwick.
Keller.	Westbrook.
Kennedy.	White.

Wiggs.  
Williams  
of Sabine.

Williams  
of Travis.  
Young.

Nays—2.

Sherrill.

Tarwater.

Absent.

Ackerman.  
Adkins.  
Anderson.  
Cox of Navarro.  
Duvall.  
Eickenroht.  
Giles.  
Graves of Erath.  
Hardy.  
Jenkins.  
Keeton.  
Kemble.  
Kinnear.  
Land.  
Lemens.

McDonald.  
McKean.  
Olsen.  
O'Neill.  
Pope of Jones.  
Pope of Nueces.  
Reader.  
Renfro.  
Shipman.  
Simmons.  
Stephens.  
Storey.  
Thurmond.  
Woodall.

Absent—Excused.

Avis.  
Cox of Lamar.  
Fuchs.  
Hines.  
Kenyon.  
Mehl.  
Nicholson.  
Reid.

Rogers.  
Thompson.  
Tillotson.  
Webb.  
Williams  
of Hardin.  
Woodruff.

The Speaker then laid Senate bill No. 80 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—105.

Mr. Speaker.  
Acker.  
Ackerman.  
Albritton.  
Baker.  
Baldwin.  
Barnett.  
Bateman.  
Beck.  
Bond.  
Bounds.  
Bradley.  
Brice.  
Brooks.  
Carpenter.  
Coltrin.  
Conway.  
Cox of Navarro.  
Cox of Limestone.  
Davis.  
Dunlap.  
Enderby.  
Ewing.  
Finn.

Finlay.  
Forbes.  
Gates.  
Gerron.  
Graves  
of Williamson.  
Graves of Erath.  
Hardy.  
Harding.  
Harman.  
Harper.  
Harrison.  
Heaton.  
Hefley.  
Holder.  
Hopkins.  
Hornaday.  
Hubbard.  
Johnson  
of Dimmit.  
Johnson of Smith.  
Johnson of Scurry.  
Jones.  
Justiss.

Kayton.  
Keller.  
Kennedy.  
Kincaid.  
Land.  
Lee.  
Long of Houston.  
Loy.  
Mankin.  
Martin.  
Mauritz.  
Maynard.  
McCombs.  
McGill.  
Metcalf.  
Minor.  
Montgomery.  
Moore.  
Morse.  
Mosely.  
Mullally.  
Murphy.  
Negley.  
Palmer.  
Patterson.  
Pavlica.  
Petsch.  
Pool.  
Prendergast.  
Purl.  
Quinn.

Ray.  
Reader.  
Renfro.  
Richardson.  
Rountree.  
Sanders.  
Savage.  
Shaver.  
Shelton.  
Sinks.  
Smith.  
Snelgrove.  
Speck.  
Strong.  
Tarwater.  
Thurmond.  
Turner.  
Van Zandt.  
Veatch.  
Waddell.  
Walters.  
Warwick.  
Westbrook.  
White.  
Wiggs.  
Williams  
of Sabine.  
Williams  
of Travis.  
Young.

Nays—I.

Sherrill.

Absent.

Adkins.  
Anderson.  
Chastain.  
DeWolfe.  
Duvall.  
Eickenroht.  
Gilbert.  
Giles.  
Hogg.  
Jenkins.  
Keeton.  
Kemble.  
King.  
Kinnear.

Lemens.  
Long of Wichita.  
McDonald.  
McKean.  
Olsen.  
O'Neill.  
Pope of Jones.  
Pope of Nueces.  
Shipman.  
Simmons.  
Stephens.  
Stevenson.  
Storey.  
Woodall.

Absent—Excused.

Avis.  
Cox of Lamar.  
Fuchs.  
Hines.  
Kenyon.  
Mehl.  
Nicholson.  
Reid.

Rogers.  
Thompson.  
Tillotson.  
Wallace.  
Webb.  
Williams  
of Hardin.  
Woodruff.

# SENATE BILL NO. 81 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 81, A bill to be entitled "An Act protecting State banks and National banks and banking institutions doing business in this State in the payment of funds in a joint deposit to the survivor when the deposit is made by one of the depositors in form to be paid to either of them or the survivor; and providing regulations in reference to such deposits; and declaring an emergency."

The bill was read second time.

Mr. Montgomery offered the following amendments to the bill:

(1)

Amend the bill by adding an additional section, to be known as No. 1a, and reading as follows, to-wit:

"Section 1a. That when any safety deposit box has been, or shall hereafter be, rented by any bank, savings bank or trust company transacting business in this State, in the names of two or more persons, with the right of access given to either or to the survivor or survivors of said persons, either of such persons, whether the other be living or not, shall have the right of access to such deposit box and may remove therefrom the contents thereof, and in all such cases where such removal shall have been made the said bank, savings bank or trust company shall be exempt from all liability whatsoever to any person whomsoever for permitting such access to or removal of contents from said safety deposit box."

(2)

Amend caption, Senate bill No. 81, by adding after the word "survivor" the following, "and protecting State and National banks in event of rental of safety deposit box to two or more persons, survivor will be permitted access thereto."

The amendments were severally adopted.

Senate bill No. 81 was then passed to third reading.

SENATE BILL NO. 81 ON THIRD READING.

Mr. Morse moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 81 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—97.

Mr. Speaker.  
Acker.

Albritton.  
Baker.

Baldwin.	McCombs.
Barnett.	McDonald.
Bateman.	McGill.
Beck.	McKean.
Bounds.	Metcalfe.
Bradley.	Minor.
Carpenter.	Montgomery.
Chastain.	Morse.
Conway.	Mosely.
Cox of Navarro.	Mullally.
Cox of Limestone.	Murphy.
Dunlap.	Negley.
Ewing.	Palmer.
Finn.	Petsch.
Finlay.	Pool.
Forbes.	Prendergast.
Gates.	Purl.
Gerron.	Quinn.
Giles.	Ray.
Graves	Richardson.
of Williamson.	Rountree.
Graves of Erath.	Sanders.
Hardy.	Savage.
Harding.	Shaver.
Harman.	Shelton.
Harper.	Sherrill.
Harrison.	Simmons.
Hefley.	Sinks.
Holder.	Smith.
Hopkins.	Speck.
Hornaday.	Stevenson.
Hubbard.	Strong.
Johnson	Thurmond.
of Dimmit.	Turner.
Johnson of Smith.	Van Zandt.
Johnson of Scurry.	Veatch.
Jones.	Waddell.
Justiss.	Walters.
Kayton.	Warwick.
Keller.	Westbrook.
Kemble.	White.
Kincaid.	Wiggs.
Lee.	Williams
Long of Houston.	of Sabine.
Long of Wichita.	Williams
Mankin.	of Travis.
Martin.	Woodall.
Mauritz.	Young.
Maynard.	

Nays—9.

Ackerman.	Pavlica.
Bond.	Renfro.
Enderby.	Snelgrove.
Heaton.	Stephens.
Kennedy.	

Present—Not Voting.

Brice.

Absent.

Adkins.	DeWolfe.
Anderson.	Duvall.
Brooks.	Eickenroht.
Coltrin.	Gilbert.
Davis.	Hogg.

Jenkins.	O'Neill.
Keeton.	Patterson.
King.	Pope of Jones.
Kinnear.	Pope of Nueces.
Land.	Reader.
Lemens.	Shipman.
Loy.	Storey.
Moore.	Tarwater.
Olsen.	

Absent—Excused.

Avis.	Rogers.
Cox of Lamar.	Thompson.
Fuchs.	Tillotson.
Hines.	Wallace.
Kenyon.	Webb.
Mehl.	Williams
Nicholson.	of Hardin.
Reid.	Woodruff.

The Speaker then laid Senate bill No. 81 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—94.

Mr. Speaker.	Johnson
Ackerman.	of Dimmit.
Adkins.	Johnson of Smith.
Albritton.	Johnson of Scurry.
Baker.	Jones.
Baldwin.	Justiss.
Barnett.	Keller.
Bateman.	Kemble.
Beck.	Kennedy.
Bond.	Kincaid.
Bounds.	Lee.
Bradley.	Long of Houston.
Carpenter.	Mankin.
Chastain.	Martin.
Conway.	Mauritz.
Cox of Navarro.	Maynard.
Cox of Limestone.	McCombs.
Dunlap.	McDonald.
Ewing.	McGill.
Finn.	McKean.
Finlay.	Metcalfe.
Forbes.	Minor.
Gates.	Montgomery.
Gerron.	Morse.
Giles.	Mullally.
Graves	Negley.
of Williamson.	Palmer.
Graves of Erath.	Pavlica.
Hardy.	Pool.
Harding.	Purl.
Harman.	Quinn.
Harper.	Ray.
Harrison.	Renfro.
Heaton.	Richardson.
Hefley.	Sanders.
Holder.	Savage.
Hopkins.	Shaver.
Hornaday.	Shelton.
Hubbard.	Simmons.

Sinks.	Warwick.
Smith.	Westbrook.
Speck.	White.
Strong.	Wiggs.
Thurmond.	Williams
Turner.	of Sabine.
Van Zandt.	Williams
Veatch.	of Travis.
Waddell.	Woodall.
Wallace.	Young.
Walters.	

Nays—4.

Enderby.	Snelgrove.
Mosely.	Stephens.

Present—Not Voting.

Brice.	Sherrill.
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Absent.

Acker.	Long of Wichita.
Anderson.	Loy.
Brooks.	Moore.
Coltrin.	Murphy.
Davis.	Olsen.
DeWolfe.	O'Neill.
Duvall.	Patterson.
Eickenroht.	Petsch.
Gilbert.	Pope of Jones.
Hogg.	Pope of Nueces.
Jenkins.	Prendergast.
Kayton.	Reader.
Keeton.	Rountree.
King.	Shipman.
Kinnear.	Stevenson.
Land.	Storey.
Lemens.	Tarwater.

Absent—Excused.

Avis.	Rogers.
Cox of Lamar.	Thompson.
Fuchs.	Webb.
Hines.	Tillotson.
Kenyon.	Williams
Mehl.	of Hardin.
Nicholson.	Woodruff.
Reid.	

Mr. McCombs moved a call of the House for the purpose of maintaining a quorum until 12 o'clock m. today, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. McCombs, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

## SENATE BILL NO. 82 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading.

S. B. No. 82, A bill to be entitled "An Act to provide for the sale and lease of minerals in and on University lands; to provide for resurveying, dividing and marking said lands; prescribing the method of making and returning bids therefor; prescribing the minimum royalty and minimum rental thereon; authorizing the rejection of any and all bids therefor and the sale thereof at open auction; prescribing duties of the board of regents of the University of Texas and of the Commissioner of the General Land Office of Texas; providing for the execution of mineral leases on said lands; and repealing all laws in conflict therewith; and declaring an emergency."

The bill was read second time.

Mr. Kemble offered the following (committee) amendment to the bill:

(1)

Amend Senate bill No. 82 by striking out all above the enacting clause and insert the following:

A bill to be entitled "An Act to provide for the sale of oil and gas in and on University lands; to provide for surveying, dividing and marking said lands; prescribing duties of the Board of Regents of the University of Texas and of the Commissioner of the General Land Office of the State of Texas; authorizing the employment of geologist and mineralogist, and making an appropriation; and repealing all laws in conflict herewith; and declaring an emergency."

(2)

Amend Senate bill No. 82 by striking out all after the enacting clause and insert the following:

Section 1. It is hereby made the duty of the Commissioner of the General Land Office of the State of Texas to cause to be done such surveying or resurveying of the blocks and subdivisions thereof of the University lands as may be necessary to enable the lines of the blocks and sections and fractional sections to be determined and identified and have such corners as may be necessary to that end permanently marked. When it is impracticable to establish such lines and corners as originally surveyed, or when such sections have not been actually surveyed

on the ground, the blocks shall be surveyed or resurveyed and divided into surveys of sections and fractional sections and as many corners thereof as may be necessary for the identification shall be permanently marked. The surveyors employed to do such surveying shall be licensed land surveyors. The field notes of such surveys shall be returned to the General Land Office, and when correct and in accordance with law shall be approved by the Commissioner, filed in the General Land Office and become archives therein.

Sec. 2. The oil and gas in the University land shall be subject to sale on and after June 1, 1929, under the regulations, at the times and on the terms provided herein, together with such rules and regulations as may be authorized herein to be adopted by the Commissioner of the General Land Office, but not inconsistent with the provisions of this act.

Sec. 3. Whenever there shall be such demand for the purchase of the oil and gas in any one or more separate whole surveys of sections or fractional sections of University land as will reasonably insure that said oil and gas may be sold advantageously, the Commissioner of the General Land Office shall place said oil and gas in said lands on the market in separate whole surveys only or in subdivisions of said surveys. He shall cause to be advertised a brief description of the lands from which the oil and gas is proposed to be sold and that sealed bids for the purchase of said oil and gas by lease will be opened at a designated day, at 10 o'clock a. m. on that day, and that sealed bids received up to that time will be considered. Said advertisement shall be made:

(a) By insertion in two or more papers of general circulation in this State.

(b) By mailing a copy thereof to the county clerk and county judge of every county in this State.

(c) In addition to the two foregoing mandatory provisions, the Commissioner may, in his discretion, cause said advertisement to be placed in oil and gas journals in and out of the State and to be mailed generally to such persons as he thinks might be interested.

Sec. 4. All bids shall be directed to the Commissioner of the General Land Office, in care of the General Land Office of the State of Texas, and shall be retained by him until the day designated for the opening of bids, and upon

that day the Commissioner or Acting Commissioner of the General Land Office, or other employee designated by him, shall open said bids and shall list and file and register all bids and money received. A separate bid shall be made for each whole survey or subdivision thereof. No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil and gas in the land bid upon, and this minimum royalty may be increased at the discretion of the Commissioner before the promulgation of the advertisement of the land. Every bid shall carry the obligation to pay an amount not less than ten cents per acre for delay in drilling, such amount to be fixed by the Commissioner in advance of the advertisement, and which shall be paid every year for five years, unless in the meantime production in paying quantities is had upon the land.

Sec. 5. Every bid shall be accompanied by a payment equal to the minimum price fixed on the land per acre for delay in drilling of the land bid for, which amount will constitute the first year rental payment for delay in drilling if the bid is accepted. The bid shall further indicate the royalty the bidder is willing to pay, which royalty shall not be less than one-eighth of the gross production. The bid shall further name such amount as the bidder may be willing to pay in addition to the royalty and the annual payment herein provided for, and shall be accompanied by cash or checks collectible in Austin to cover such amount.

Sec. 6. If any one of the bidders shall have offered a reasonable and proper price therefor, not less than the price fixed by the Commissioner, the lands advertised, or any whole survey or subdivision thereof, may be leased for oil and gas purposes under the terms of this act and such regulations as the Commissioner of the General Land Office may prescribe, not inconsistent with the provisions of this act. If after any bidding by sealed bids the Commissioner should reject all bids, as he is hereby authorized to do, he may thereafter offer for sale and sell the oil and gas in said lands, in separate whole surveys only or subdivisions thereof, by open public auction to be held at a time and place designated by the Commissioner and after adequate and proper notice, but no disposition shall be made of said oil and gas in said lands at such public auction at a price less than the price offered by the sealed bids. In the event of no sale at said

public auction, any subsequent procedure for the sale of said oil and gas leases shall be in the manner above provided.

Sec. 7. If the Commissioner shall determine that a satisfactory bid has been received for said oil and gas, he shall make an award to the applicant, offering the highest price therefor, in addition to the minimum royalty and acreage price fixed for delay in drilling, and a lease shall be executed by him. A duplicate copy of such lease shall be filed in the General Land Office. Whenever the royalties shall amount to as much as the yearly payment as fixed by the Commissioner, the yearly payment may be discontinued. If before the expiration of three years oil and gas in paying quantities shall not have been produced the lease shall terminate. The lease shall include such additional provisions and regulations as the Commissioner of the General Land Office may prescribe to preserve the interest of the State and safeguard the interests of the University funds, but not inconsistent with the provisions of this act.

Sec. 8. For the purpose of determining which is the highest bid offered, each one-eighth royalty offered in addition to the minimum one-eighth royalty provided for herein shall be considered the equivalent of the highest cash bonus offered by any of the bids. The proportionate value which the additional royalty offered bears to said one-eighth shall be computed in every case where the bid offers more than the minimum royalty, and when so computed shall be added to the cash bonus, if any, offered by the same bid. The bid offering the highest aggregate bonus amount, thus ascertained, shall be considered the highest bid. In the event of equal bids, whether originally or by the rule herein fixed, all bids shall be rejected. If no bonus is offered by any bidder, then the highest royalty offered shall be considered the highest bid. Nothing in this section shall interfere with the discretion elsewhere herein vested in the Commissioner to reject any and all bids.

Sec. 9. Title to all rights purchased may be held by the owner so long as the area produces oil and gas in paying quantities. All rights purchased may be assigned in quantities of not less than forty acres, unless there be less than forty acres remaining in any survey, in which case such lesser area may be so assigned. All assignments shall be filed in the General Land Office within one hundred days after the date

of the first acknowledgment thereof, accompanied by ten cents per acre for each acre assigned, and if not so filed and payment made the assignment shall be ineffective. All rights to any whole survey and to any assigned portion thereof may be relinquished to the State at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated and filed in the Land Office accompanied with one dollar for each area assigned, but such assignment shall not relieve the owner of any past due obligations theretofore accrued thereon. The Commissioner of the General Land Office shall authorize the laying of pipe lines, telephone lines and the opening of such roads over the University lands as may be deemed reasonably necessary for and incident to the purposes of this act.

Sec. 10. Royalty as stipulated in the sale shall be paid to the General Land Office at Austin, Texas, for the benefit of the University permanent fund on or before the 20th day of each succeeding month for the preceding month during the life of the rights purchased, and it shall be accompanied by the sworn statement of the owner, manager or other authorized agent showing the gross amount of oil produced and saved since the last report and the amount of gas produced and sold off the premises and the market value of the oil and gas, together with a copy of all daily gauges of tanks, gas meter readings, pipe line receipts, gas line receipts, and other checks and memoranda of the amounts produced and put into pipe lines, tanks or pools and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, pools, meters, pipe lines and all contracts and other records pertaining to the production, transportation, sale and marketing of the oil and gas shall at all times be subject to inspection and examination by the Commissioner of the General Land Office, the Attorney General, the Governor, or any member of the Board of Regents of the University of Texas, or the representative of either.

Sec. 11. In every case where the area in which the oil and gas sold shall be contiguous or adjacent to land not University land, the acceptance of the bid and the sale made thereby shall constitute an obligation on the owner thereof to adequately protect the land leased from drainage from adjacent lands. In cases where the area in which the oil

and gas is sold is contiguous to other University lands leased or sold, at a lesser royalty, the owner shall likewise protect the State from drainage from the land so leased or sold for lesser royalties. Upon failure to protect the land from drainage as herein provided the sale and all rights thereunder shall be forfeited by the Commissioner in the manner elsewhere provided herein for forfeitures.

Sec. 12. If the owner of the rights acquired under this act shall fail or refuse to make the payment of any sum due thereon, either as rental or royalty on the production, within thirty days after same shall become due, or if such owner or his authorized agent should make any false return or false report concerning production, royalty or drilling, or if such owner shall fail or refuse to drill any offset well or wells in good faith, as required by his lease, or if such owner or his agent should refuse the proper authority access to the records and other data pertaining to the operations under this act, or if such owner, or his authorized agent, should fail or refuse to give correct information to the proper authorities, or fail or refuse to furnish the log of any well within thirty days after production is found in paying quantities, or if any of the material terms of the lease should be violated, such lease shall be subject to forfeiture by the Commissioner of the General Land Office of the State of Texas by an order entered upon the lease file wrapper and records of the General Land Office reciting the facts constituting the default, and declaring the forfeiture. The Commissioner may, if he so determines, have suit instituted for forfeiture through the Attorney General of the State. Upon proper showing by the forfeiting owner, within thirty days after the declaration of forfeiture, the owner may, at the discretion of the Commissioner and upon such terms as he may prescribe, be reinstated. In case of violation by the owner of the lease contract, the remedy of the State by forfeiture shall not be the exclusive remedy, but suit for damages or specific performance, or both, may be instituted. The State shall have a first lien upon all oil and gas produced upon the leased area and upon all rigs, tanks, pipe lines, telephone lines and machinery and appliances used in the production and handling of oil and gas produced thereon, to secure any amount due from the owner of said lease.

Sec. 13. All surveys, files, records,



copies of sale and lease contracts, and all other records pertaining to the sales and leases hereby authorized shall be filed in the General Land Office and constitute the archives thereof. Payment hereunder shall be made to the Commissioner of the General Land Office at Austin, Texas, who shall transmit to the State Treasurer all royalty for deposit to the credit of the permanent University fund and all rentals for delay in drilling and all other payments; including all filing, assignment and relinquishment fees hereunder to the credit of the available University fund.

Sec. 14. The Board of Regents of the University is authorized to employ a geologist and a mineralogist who shall keep informed with reference to the minerals in University lands and all activities under this and previous leases and sales and shall report to the Board of Regents of the University and the Commissioner of the General Land Office all information gained with reference thereto. The board is also authorized to employ other necessary employees. The salaries of such employees shall be paid monthly, and no salary shall be paid in excess of six thousand (\$6000) dollars per annum.

Sec. 15. The expenses of executing the provisions of this act shall be paid monthly by warrants drawn by the Comptroller on the State Treasurer, and for that purpose the sum of twenty thousand (\$20,000) dollars or as much thereof as may be necessary is hereby appropriated out of any money in the Treasury not otherwise appropriated until September 1, 1929.

Sec. 16. If any provision hereof should be held unconstitutional, the balance of the act shall not be affected thereby.

Sec. 17. Since there is no law authorizing the sale of oil and gas leases on University lands, this fact creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three separate days in each house be suspended, and that this be placed upon third reading and final passage and take effect from and after passage, and it is so enacted.

Mr. Stevenson offered the following amendment to the amendment:

Add a new section to be known as Section 9a:

If during the term of any permit heretofore issued and outstanding at the time of the passage of the act, or any lease issued under the provisions of

this act, a permittee or lessee shall have drilled a dry hole on any University land to a depth of three thousand feet, such permittee or lessee and the permittees or lessees of separate whole surveys or subdivisions thereof, any part of which section or fractional section lies within one and one-half miles of such dry hole, and which, at the time of completion of such dry hole, shall have been covered by an outstanding permit or lease, may present affidavits of three disinterested credible persons evidencing such fact to the Commissioner of the General Land Office and apply for a five year extension of such permit or permits or lease or leases, which extension shall be in addition to the original term of such permit or lease on the survey or subdivision thereof upon which such dry hole shall have been drilled, and upon such other surveys or subdivisions thereof of which any part lies within one and one-half miles of such dry hole, and which the Commissioner of the General Land Office shall grant by noting the same on the records of his office.

If a permittee or lessee, in prospecting for oil or gas on University lands during the term of any permit heretofore issued and outstanding at the time of the passage of this act, or any lease issued under the provisions of this act, shall have drilled a well to a depth of one thousand feet and be actually drilling in good faith at the time of the expiration of the permit or lease period, such permittee or lessee, and the owners of all permits or leases outstanding at such time covering separate whole surveys or subdivisions thereof any part of which lies within one and one-half miles of such well, shall be entitled to a one-year extension of the permit or permits or lease or leases on all such areas upon presenting affidavits of three disinterested credible persons to the Commissioner evidencing such facts and requesting such extension, and the Commissioner shall thereupon grant extension by noting the same on the records of his office. If such well shall be then completed to a depth of three thousand feet within said one year extension period and be a dry hole, such permittee or lessee and the permittees or lessees of all University acreage tracts of whole surveys or subdivisions thereof any part of which lies within one and one-half miles of such dry hole, shall be entitled to receive a further extension of four years as above provided in the

case of a permittee or leasee drilling a dry hole within the five year period of any original permit or lease. Provided, however, that in all cases where extensions of time for delay in drilling are granted the acreage price previously fixed for delay in drilling, which is the highest on any section or fractional section included in the area embraced in such extension, shall continue to be paid each year in advance on all the area embraced in such extension during the period of such extension.

When commercial oil or gas production shall have been obtained on any lands included in this act, the permittee or leasee or assignee thereof, and the owners, leasees or assignees of all separate whole surveys or subdivisions thereof, any part of which shall be situated within one and one-half miles of such commercially producing well, shall upon presenting to the Commissioner of the General Land Office affidavits of three disinterested credible persons showing the distance between such well and the section or fractional section on which such owner or owners holds a permit or lease to be less than one and one-half miles from such well, be entitled to a continuing lease upon such area or areas so long as such well shall continue as a commercial producer, and for twelve months thereafter, upon the payment of one dollar per acre per annum in advance during the life of such lease or leases, and the provisions of this act shall apply to all cases where any University leased or permitted sections or fractional sections or any part thereof, shall be situated within one and one-half miles of any commercially producing well on State University lands, whether such commercially producing well shall be located on any area previously under continuing permit or lease or any other permit or lease.

Mr. Kemble moved that further consideration of the bill be postponed at this time and that the bill be set as a special order for 3:30 o'clock p. m. today.

Mr. Woodruff moved as a substitute motion that the bill be set as a special order for 7:30 o'clock p. m. today.

Question first recurring on the motion of Mr. Woodruff, it was lost.

Question then recurring on the motion by Mr. Kemble, it prevailed.

## SENATE BILL NO. 88 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 88, A bill to be entitled "An Act to amend Article 941 of the 1925 Penal Code of the State of Texas, so as to make it unlawful for any person to place, set, use or drag any seine net or other device for taking fish and shrimp other than the ordinary pole and line, trotline, setline or castnet or minnow seine not more than twenty feet in length for catching bait within the coastal or tidal salt waters of Texas, except the Gulf of Mexico beyond one mile of any pass leading from the Gulf of Mexico to any bay, lake, lagoon, bayou or other body of such water; providing for use of spear, gig or light for taking flounders in such waters except during the months of November and December of each year; providing for confiscation of nets, seines and other tackle for evidence, and providing for penalties; and declaring an emergency."

The bill was read second time.

Mr. Jenkins offered the following amendment to the bill:

Amend Senate bill No. 88 by striking out the word "shrimp" wherever it occurs in the bill.

On motion of Mr. Sanders, the amendment was tabled.

Mr. Quinn offered the following amendment to the bill:

Amend Senate bill No. 88 by adding at the end of Section 1e the following, "provided, this law shall not apply to Sabine Lake and Sabine Pass in the counties of Orange and Jefferson."

Mr. Finlay moved to table the amendment.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—88.

Acker.	Cox of Navarro.
Ackerman.	Cox of Limestone.
Albritton.	Davis.
Anderson.	DeWolfe.
Baldwin.	Duvall.
Barnett.	Enderby.
Beck.	Ewing.
Bradley.	Eickenroht.
Brice.	Finn.
Brooks.	Forbes.
Carpenter.	Gerron.
Chastain.	Gilbert.
Coltrin.	Giles.
Conway.	Graves of Erath.

Graves of Williamson.	O'Neill.
Hardy.	Patterson.
Harrison.	Petsch.
Heaton.	Pool.
Hogg.	Pope of Jones.
Holder.	Purl.
Hopkins.	Richardson.
Hubbard.	Rountree.
Jenkins.	Sanders.
Johnson	Shaver.
of Dimmit.	Shelton.
Johnson of Smith.	Shipman.
Jones.	Simmons.
Justiss.	Snelgrove.
Kayton.	Speck.
Kemble.	Storey.
Kennedy.	Tarwater.
Kenyon.	Turner.
Lee.	Van Zandt.
Lemens.	Veatch.
Loy.	Waddell.
Mankin.	Wallace.
Martin.	Walters.
Mauritz.	Warwick.
Maynard.	Westbrook.
McDonald.	White.
McGill.	Williams
McKean.	of Sabine.
Minor.	Williams
Moore.	of Travis.
Mullally.	Woodall.
Negley.	Woodruff.

## Nays—19.

Baker.	Mosely.
Bond.	Olsen.
Harding.	Pavlica.
Harper.	Quinn.
Hefley.	Reader.
Johnson of Scurry.	Sherrill.
Keller.	Smith.
King.	Stephens.
Long of Wichita.	Wiggs.
McCombs.	

## Absent.

Adkins.	Montgomery.
Bateman.	Morse.
Bounds.	Murphy.
Dunlap.	Palmer.
Finlay.	Pope of Nueces.
Gates.	Prendergast.
Harman.	Ray.
Hornaday.	Renfro.
Keeton.	Savage.
Kincaid.	Sinks.
Kinnear.	Stevenson.
Land.	Strong.
Long of Houston.	Thurmond.
Metcalfe.	Young.

## Absent—Excused.

Avis.	Fuchs.
Cox of Lamar.	Hines.

Mehl.	Tillotson.
Nicholson.	Webb.
Reid.	Williams
Rogers.	of Hardin.
Thompson.	

Mr. Quinn offered the following amendment to the bill:

Amend Senate bill No. 88, Section 1e, by striking out the words "of greater length than thirty-two inches" in said section.

On motion of Mr. Finlay, the amendment was tabled.

Mr. Quinn offered the following amendment to the bill:

Amend Senate bill No. 88, Section 1e, by striking out the words "fourteen inches" in line 3, page 4, and insert in lieu thereof the words "ten inches."

On motion of Mr. Finlay, the amendment was tabled.

Senate bill No. 88 was then passed to third reading.

## MOTION TO TAKE UP SENATE BILL NO. 88.

Mr. Finlay moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 88 be placed on its third reading.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—91.

Mr. Speaker.	Graves
Acker.	of Williamson.
Ackerman.	Hardy.
Albritton.	Harding.
Baker.	Harper.
Baldwin.	Harrison.
Barnett.	Heaton.
Bradley.	Hefley.
Brooks.	Hogg.
Carpenter.	Holder.
Chastain.	Hornaday.
Conway.	Johnson
Cox of Navarro.	of Dimmit.
Cox of Limestone.	Johnson of Smith.
Davis.	Johnson of Scurry.
DeWolfe.	Kayton.
Dunlap.	Kennedy.
Duvall.	Kinnear.
Enderby.	Land.
Ewing.	Lee.
Eickenroht.	Lemens.
Finlay.	Long of Houston.
Forbes.	Mankin.
Fuchs.	Martin.
Gilbert.	Mauritz.
Giles.	Maynard.
Graves of Erath.	McDonald.

McGill.	Shelton.
McKean.	Shipman.
Minor.	Sinks.
Montgomery.	Snelgrove.
Moore.	Speck.
Mullally.	Storey.
Negley.	Tarwater.
O'Neill.	Van Zandt.
Patterson.	Veatch.
Pavlica.	Waddell.
Petsch.	Wallace.
Pool.	Walters.
Pope of Jones.	Warwick.
Purl.	Westbrook.
Reader.	White.
Richardson.	Williams
Rountree.	of Sabine.
Sanders.	Williams
Savage.	of Travis.
Shaver.	Woodall.

Nays—25.

Bond.	McCombs.
Bounds.	Mosely.
Brice.	Olsen.
Coltrin.	Pope of Nueces.
Finn.	Quinn.
Gerron.	Renfro.
Jenkins.	Sherrill.
Jones.	Smith.
Justiss.	Stephens.
Keller.	Turner.
Kemble.	Wiggs.
King.	Woodruff.
Long of Wichita.	

Absent.

Adkins.	Morse.
Bateman.	Murphy.
Gates.	Palmer.
Harman.	Prendergast.
Hopkins.	Ray.
Hubbard.	Simmons.
Keeton.	Stevenson.
Kincaid.	Strong.
Loy.	Thurmond.
Metcalfe.	Young.

Absent—Excused.

Anderson.	Reid.
Avis.	Rogers.
Cox of Lamar.	Thompson.
Beck.	Tillotson.
Hines.	Webb.
Kenyon.	Williams
Mehl.	of Hardin.
Nicholson.	

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to

inform the House that the Senate has passed the following:

H. B. No. 608, A bill to be entitled "An Act granting to cities located in any county of this State of less than 100,000 inhabitants according to the United States census of 1920 and which county contains a city of more than 43,000 inhabitants according to said census the right to execute leases not to exceed a period of ninety-nine years on islands, flats and submerged lands heretofore granted by the State of Texas or the Republic of Texas to such cities," with amendment.

H. C. R. No. 21, Authorizing the Commissioner of the General Land Office to open his office on February 22 to permit the Investigation Committee to continue its work.

The Senate has agreed to concur in House amendments to Senate bill No. 336 by a vote of 27 yeas, 0 nays.

The Senate has adopted the free conference committee report on Senate bill No. 49 by a viva voce vote.

The Senate has refused to concur in House amendments to Senate bill No. 74 and requests the House for the appointment of a free conference committee to adjust the differences. The following are appointed as conferees on the part of the Senate:

Senators Hyer, Beck, Hardin, Hornsby and Russek.

Has passed finally:

H. B. No. 75, A bill to be entitled "An Act defining the jurisdiction of the Court of Civil Appeals and to amend Articles 1819 and 1824 of the Revised Civil Statutes of 1925."

H. B. No. 84, A bill to be entitled "An Act forbidding drinking of intoxicating liquor on any common carrier and to amend Article 478 of the Criminal Code."

H. J. R. No. 7, Proposing an amendment to Section 5 of Article 4 of the Constitution of the State of Texas, fixing the salary of the Governor; providing for its submission to the voters of the State of Texas as required by the Constitution and making appropriation therefor, with amendment.

H. B. No. 163, A bill to be entitled "An Act amending Article 2094 of the Revised Civil Statutes of 1925, relating to the selection of jurors for service in the district and county courts, so as to make said article apply in any county having a population of at least 58,000, or having therein a city containing a

population of at least 20,000 as shown by the preceding Federal census."

H. B. No. 7, A bill to be entitled "An Act to provide authority to the State Highway Commission to select and maintain temporary detour roads through counties where construction of designated parts of the State highway system is being carried on, and setting forth the duties of the Commission and of the counties therewith; and providing authority to county commissioners courts to select and maintain temporary detour roads in the county where construction of any public road is being carried on, not part of the State system of designated highways, and setting forth the duties of the commissioners court therewith."

H. B. No. 413, A bill to be entitled "An Act to amend Chapter 193 of the General Laws of the Fortieth Legislature, page 275, to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion, Cass, Bowie, Harrison, Smith and Rusk counties, State of Texas."

H. B. No. 92, A bill to be entitled "An Act making it lawful for the commissioners courts of Clay, Archer, Baylor and Young counties to pay out of the general fund of such counties bounties for the destruction of predatory animals," with amendment.

H. B. No. 180, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of Texas, as amended by Chapter 11 and Chapter 200, Acts of the Regular Session of the Fortieth Legislature, by adding to said Article 1302 a new subdivision to be known as subdivision 91; providing for incorporation for the establishment, support and maintenance of automobile clubs for the mutual benefit and protection of automobile operators with power to acquire and own all property incident to such business."

H. B. No. 222, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 23 of the General Laws of the Regular Session of the Fortieth Legislature of Texas, passed and approved February 12, 1927, relating to the appointment of assistant district attorneys in judicial districts consisting of more than one county, in which there is situated a city of 28,000 population or over, according to the last preceding United States census or any United States census which may hereafter be taken, so as to provide for the appointment of assistant district

attorneys in such judicial districts in which there is situated a city of 22,500 population or over, according to the last preceding United States census or any United States census which may hereafter be taken; and declaring an emergency."

H. B. No. 216, A bill to be entitled "An Act to validate all school districts created under Chapter 84 of the Acts of the First Called Session of the Fortieth Legislature in 1927, and particularly all independent school districts created under and by virtue of Section 5 of said act."

H. B. No. 161, A bill to be entitled "An Act amending Article 591 of the Code of Criminal Procedure of the State of Texas, 1925, relating to the selection of special venire, so as to make said article apply in any county having a population of at least 58,000 or having therein a city containing a population of at least 20,000 as shown by the preceding Federal census."

H. B. No. 455, A bill to be entitled "An Act to create LaSalle county water improvement district No. 1, embracing lands in the county of LaSalle, in the State of Texas, as a water improvement district and body politic and corporate under Section 59, Article 16, of the Constitution; and defining its boundaries."

H. B. No. 458, A bill to be entitled "An Act to create La Feria water control and improvement district, Cameron county, number three (3) in Cameron county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as a water improvement district under Article 3, Section 52, of the Constitution; validating and approving all orders made by the board of directors of said district converting said district to a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment by the annual levy, assessment and collection of general and ad valorem taxes on all taxable property in said district; approving and validating all orders of the commissioners court of said county and of the board of directors of said district, bonds and taxes or certified copies thereof, and constituting all such orders and their record legal evidence; providing that proof of publication of constitutional notice required in the enact-

ment of this act has been duly made; enacting provisions incident and necessary to the subject and purpose of this act; and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### RECESS.

On motion of Mr. Stephens, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

#### BILLS ORDERED NOT PRINTED.

On motion of Mr. Cox of Navarro, the following bills were ordered not printed: Senate bills Nos. 99 and 425.

#### HOUSE BILL NO. 92 WITH SENATE AMENDMENTS.

Mr. Sherrill called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 92, A bill to be entitled "An Act making it lawful for the commissioners courts of Clay, Archer, Baylor and Young counties to pay out of the general fund of such counties bounties for the destruction of predatory animals."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Sherrill, the House concurred in the Senate amendments.

#### SENATE BILL NO. 89 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 89, A bill to be entitled "An Act to better define fraternal benefit societies and providing and defining a lodge system for such; requiring a representative form of government; defining and safeguarding the contracts and beneficiaries of such societies and prescribing the membership therein; amending Articles 4820, 4821, 4822, 4824, 4831 and 4833 of the Revised Statutes of Texas for 1925, so as to conform hereto; and declaring an emergency."

The bill was read second time.

Mr. Van Zandt offered the following amendment to the bill:

Amend Senate bill No. 89 by striking out all of Section 7 of the printed bill and inserting in lieu thereof the following:

"Any fraternal society desiring to be relieved and exempted from the provisions of this act and remain and continue to operate as a fraternal benefit society under Chapter 8 of existing laws governing fraternal benefit societies, may do so by giving written notice of its desire to the State Insurance Commissioner, when such society will then be authorized to continue to operate under Chapter 8 of the Revised Civil Statutes of 1925 relating to fraternal benefit societies; and provided, all such societies which desire to operate under the provisions of this act shall be required to pay to the State such fees and taxes as are required by the State of other insurance companies, as provided by law."

Signed—Van Zandt, Storey, Woodall, Duvall and Graves of Erath.

Mr. Savage moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—43.

Ackerman.	Kincaid.
Adkins.	Land.
Bounds.	Lemens.
Bradley.	Maynard.
Brice.	McCombs.
Brooks.	McGill.
Chastain.	McKean.
Coltrin.	Purl.
Cox of Navarro.	Quinn.
Davis.	Reader.
Ewing.	Richardson.
Forbes.	Sanders.
Gates.	Savage.
Graves	Shaver.
of Williamson.	Shelton.
Harman.	Sherrill.
Harrison.	Sinks.
Hefley.	Stevenson.
Holder.	Strong.
Jenkins.	Tarwater.
Keller.	Williams
Kennedy.	of Travis.

Nays—63.

Albritton.	Bond.
Avis.	Carpenter.
Baker.	Duvall.
Barnett.	Enderby.
Bateman.	Fickenroht.
Beck.	Finn.

Finlay.	Olsen.
Giles.	O'Neill.
Graves of Erath.	Palmer.
Hardy.	Pavlica.
Harding.	Petsch.
Harper.	Pool.
Heaton.	Pope of Jones.
Hopkins.	Pope of Nueces.
Hubbard.	Ray.
Johnson	Renfro.
of Dimmit.	Rountree.
Johnson of Smith.	Shipman.
Johnson of Scurry.	Simmons.
Jones.	Stephens.
King.	Storey.
Kinnear.	Turner.
Lee.	Van Zandt.
Long of Houston.	Veatch.
Long of Wichita.	Waddell.
Mankin.	Warwick.
Martin.	White.
McDonald.	Wiggs.
Metcalfe.	Williams
Minor.	of Sabine.
Montgomery.	Woodall.
Moore.	Woodruff.
Mosely.	Young.
Negley.	

Present—Not Voting.

Gilbert.	Mauritz.
Keeton.	

Absent.

Anderson.	Loy.
Baldwin.	Morse.
Conway.	Mullally.
Cox of Limestone.	Murphy.
DeWolfe.	Patterson.
Dunlap.	Prendergast.
Gerron.	Smith.
Hogg.	Speck.
Hornaday.	Thompson.
Justiss.	Thurmond.
Kayton.	Walters.
Kemble.	Westbrook.

Absent—Excused.

Acker.	Rogers.
Cox of Lamar.	Snelgrove.
Fuchs.	Tillotson.
Hines.	Wallace.
Kenyon.	Webb.
Mehl.	Williams
Nicholson.	of Hardin.
Reid.	

Question then recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—64.

Ackerman.	Baker.
Albritton.	Barnett.

Bateman.	Long of Houston.
Bond.	Long of Wichita.
Brice.	Martin.
Brooks.	McDonald.
Carpenter.	Minor.
Coltrin.	Montgomery.
Cox of Navarro.	Moore.
Duvall.	Mosely.
Enderby.	Negley.
Eickenroht.	O'Neill.
Finn.	Palmer.
Finlay.	Pavlica.
Gates.	Pool.
Gilbert.	Pope of Nueces.
Giles.	Quinn.
Graves of Erath.	Ray.
Harding.	Richardson.
Harper.	Rountree.
Heaton.	Shelton.
Hopkins.	Shipman.
Hubbard.	Simmons.
Johnson	Stephens.
of Dimmit.	Storey.
Johnson of Smith.	Turner.
Johnson of Scurry.	Van Zandt.
Jones.	Waddell.
King.	Warwick.
Kinnear.	White.
Land.	Wiggs.
Lee.	Woodall.

Nays—41.

Acker.	Mauritz.
Adkins.	Maynard.
Bounds.	McCombs.
Bradley.	McGill.
Chastain.	McKean.
Davis.	Petsch.
Ewing.	Pope of Jones.
Forbes.	Purl.
Graves	Reader.
of Williamson.	Sanders.
Hardy.	Savage.
Harman.	Shaver.
Harrison.	Sherrill.
Hefley.	Sinks.
Holder.	Stevenson.
Jenkins.	Strong.
Justiss.	Tarwater.
Keller.	Williams
Kennedy.	of Sabine.
Kincaid.	Williams
Lemens.	of Travis.
Mankin.	Young.

Present—Not Voting.

Keeton.	Renfro.
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Absent.

Anderson.	Dunlap.
Baldwin.	Hogg.
Beck.	Kayton.
Conway.	Kemble.
Cox of Limestone.	Loy.
DeWolfe.	Metcalfe.

Morse.	Speck.
Mullally.	Thompson.
Olsen.	Thurmond.
Patterson.	Walters.
Prendergast.	Westbrook.
Smith.	

Absent—Excused.

Avis.	Reid.
Cox of Lamar.	Rogers.
Fuchs.	Snelgrove.
Gerron.	Tillotson.
Hines.	Veatch.
Hornaday.	Wallace.
Kenyon.	Webb.
Mehl.	Williams
Murphy.	of Hardin.
Nicholson.	Woodruff.

On motion of Mr. Purl, further consideration of the bill was postponed indefinitely.

#### GRANTING REQUEST OF SENATE FOR THE RETURN OF CER- TAIN BILL.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 30, Granting request of Senate.

Whereas, House bill No. 222 was passed by the Senate today; and

Whereas, An amendment was pending and the record does not show that the amendment was adopted; therefore, be it

Resolved, That the House be requested to return House bill No. 222 for further consideration.

The resolution was read second time and was adopted.

#### SENATE BILL NO. 54 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 54, A bill to be entitled "An Act to amend Article 2963 of Chapter 5, Title 50, of the Revised Civil Statutes of 1925, so as to allow the mailing of poll tax receipts in certain cases, and providing for the mailing of poll tax receipts to persons in cities of 10,000 inhabitants or more where the poll tax payer pays his property and poll tax by check or money order."

The bill having been read second time on yesterday, with amendment by Mr. Savage pending.

(Mr. Storey in the chair.)

Question recurring on the amendment by Mr. Savage, it was adopted.

Mr. Savage offered the following amendment to the bill:

Amend the caption to Senate bill No. 54 so as to read as follows:

"An Act to amend Article 2963, Article 2965 and Article 2968 of the Revised Civil Statutes of Texas, relating to the mailing of poll tax receipts to certain persons, and providing for the mailing of poll tax receipts to property taxpayers subject thereto; and providing that the poll tax receipts for persons who are not citizens of the United States shall be marked 'Not entitled to vote'; and declaring an emergency."

The amendment was adopted.

Senate bill No. 54 was then passed to third reading.

Mr. Albritton moved a call of the House for the purpose of maintaining a quorum until 5 o'clock p. m. today, and the call was duly ordered.

The Speaker then directed the Doorkeeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

On motion of Mr. Johnson of Dimmit, the Sergeant-at-Arms was instructed to bring in all absent members within the city who are not ill.

On motion of Mr. Anderson, all members excused on account of important committee work were ordered brought in.

#### SENATE BILL NO. 54 ON THIRD READING.

Mr. Savage moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 54 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—96.

Ackerman.  
Adkins.  
Albritton.  
Anderson.  
Baker.  
Barnett.  
Bateman.  
Beck.  
Bounds.  
Bradley.  
Brice.

Brooks.  
Carpenter.  
Coltrin.  
Conway.  
Cox of Navarro.  
Cox of Limestone.  
Davis.  
Enderby.  
Finn.  
Finlay.  
Forbes.



Gerron.	O'Neill.
Graves	Palmer.
of Williamson.	Pavlica.
Hardy.	Petsch.
Harding.	Pool.
Harper.	Pope of Nueces.
Heaton.	Prendergast.
Hefley.	Purl.
Holder.	Quinn.
Jenkins.	Ray.
Johnson	Renfro.
of Dimmit.	Richardson.
Johnson of Scurry.	Rountree.
Jones.	Sanders.
Justiss.	Savage.
Keeton.	Shaver.
Keller.	Shelton.
Kemble.	Shipman.
Kennedy.	Simmons.
Kincaid.	Sinks.
King.	Smith.
Kinnear.	Stephens.
Land.	Stevenson.
Lee.	Strong.
Long of Houston.	Tarwater.
Long of Wichita.	Turner.
Mankin.	Van Zandt.
Martin.	Veatch.
Mauritz.	Walters.
Maynard.	Warwick.
McCombs.	Westbrook.
McDonald.	White.
McKean.	Williams
Moore.	of Sabine.
Morse.	Williams
Mosely.	of Travis.
Negley.	Woodall.
Olsen.	Woodruff.

## Nays—7.

Baldwin.	Eickenroht.
Bond.	Gates.
Chastain.	Johnson of Smith.
Ewing.	

## Present—Not Voting.

Harrison.

## Absent.

DeWolfe.	Metcalf.
Dunlap.	Minor.
Duvall.	Montgomery.
Gilbert.	Mullally.
Giles.	Murphy.
Graves of Erath.	Patterson.
Harman.	Pope of Jones.
Hogg.	Reader.
Hopkins.	Sherrill.
Hornaday.	Speck.
Hubbard.	Storey.
Kayton.	Thurmond.
Lemens.	Waddell.
Loy.	Wiggs.
McGill.	Young.

## Absent—Excused.

Acker.	Rogers.
Avis.	Snelgrove.
Cox of Lamar.	Thompson.
Fuchs.	Tillotson.
Hines.	Wallace.
Kenyon.	Webb.
Mehl.	Williams
Nicholson.	of Hardin.
Reid.	

The Speaker then laid Senate bill No. 54 before the House on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—89.

Mr. Speaker.	Land.
Ackerman.	Lee.
Adkins.	Long of Houston.
Avis.	Mankin.
Baker.	McCombs.
Barnett.	McKean.
Bateman.	Metcalf.
Beck.	Montgomery.
Bond.	Moore.
Bounds.	Morse.
Bradley.	Mosely.
Brice.	Murphy.
Brooks.	Negley.
Carpenter.	Olsen.
Chastain.	O'Neill.
Coltrin.	Palmer.
Cox of Navarro.	Petsch.
Cox of Limestone.	Pool.
Dunlap.	Prendergast.
Duvall.	Purl.
Enderby.	Quinn.
Ewing.	Ray.
Eickenroht.	Renfro.
Finn.	Richardson.
Finlay.	Sanders.
Forbes.	Savage.
Gerron.	Shaver.
Giles.	Shelton.
Graves	Simmons.
of Williamson.	Sinks.
Harding.	Smith.
Harman.	Speck.
Harper.	Stephens.
Harrison.	Stevenson.
Hefley.	Storey.
Hogg.	Strong.
Holder.	Tarwater.
Hornaday.	Turner.
Hubbard.	Veatch.
Jenkins.	Waddell.
Johnson	Warwick.
of Dimmit.	Westbrook.
Jones.	White.
Justiss.	Williams
Keeton.	of Sabine.
Kemble.	Williams
Kincaid.	of Travis.
King.	Young.

## Nays—10.

Albritton.	Kennedy.
Baldwin.	Martin.
Gates.	Maynard.
Johnson of Smith.	Pavlica.
Johnson of Scurry.	Shipman.

## Present—Not Voting.

Van Zandt.	Woodall.
Heaton.	

## Absent.

Anderson.	Mauritz.
Conway.	McDonald.
Davis.	McGill.
DeWolfe.	Minor.
Gilbert.	Mullally.
Graves of Erath.	Patterson.
Hardy.	Pope of Jones.
Hopkins.	Pope of Nueces.
Kayton.	Reader.
Keller.	Rountree.
Kinnear.	Sherrill.
Lemens.	Thurmond.
Long of Wichita.	Walters.
Loy.	Wiggs.

## Absent—Excused.

Acker.	Snelgrove.
Cox of Lamar.	Thompson.
Fuchs.	Tillotson.
Hines.	Wallace.
Kenyon.	Webb.
Mehl.	Williams
Nicholson.	of Hardin.
Reid.	Woodruff.
Rogers.	

(Speaker in the chair.)

## COMMUNICATION TO HON. JOHN HERRON WHITE.

On motion of Mr. White, the following communication was ordered printed in the Journal:

Booker, Texas, February 14, 1929.

Hon. John Herron White, State Representative, Austin, Texas.

Dear Sir: By appointment at the regular meeting of the local camp of Modern Woodmen of America, I am writing you in regard to some bills that are now pending in the State Legislature.

We adopted a resolution on our minutes to be opposed to House bills Nos. 198 and 201 by Graves, which are very vicious bills to organizations of this kind, and are asking you to do your best to see that these bills are not passed. We are also opposed to Senate bill No. 89 by Hornsby, which is another dangerous bill.

The local lodge has 65 members and by vote we were all opposed to these bills. We beseech you to do your best to keep these bills from passing. Thanking you in behalf of the whole lodge, I remain,

Yours very truly,

JOHN MERRIMAN,  
Advisor to the Consul, Booker, Texas.

## RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled resolution:

H. C. R. No. 21, Relating to opening the office of the Land Commissioner on certain holidays.

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 30, Requesting the House to return House bill No. 222 to the Senate for further consideration.

Respectfully,

MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

## SENATE BILL NO. 82 ON SECOND READING.

The Speaker laid before the House, as a special order for this hour, on its passage to third reading,

S. B. No. 82, A bill to be entitled "An Act to provide for the sale and lease of minerals in and on University lands, to provide for resurveying, dividing and marking said lands; prescribing the method of making and returning bids therefor; prescribing the minimum royalty and the minimum rental thereon; authorizing the rejection of any and all bids therefor, and the sale thereof at open auction; prescribing the duties of the board of regents of the University of Texas and of the Commissioner of the General Land Office of Texas; providing for the execution of mineral leases on said lands, and repealing all laws in conflict therewith; and declaring an emergency."

The bill having been read second time today, with (committee) amendment by Mr. Kemble, and an amendment by

Mr. Stevenson to the committee amendment, pending.

(Pending consideration of the bill, Mr. McCombs occupied the chair temporarily.)

Question recurring on the amendment by Mr. Stevenson to the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—96.

Ackerman.	Lemens.
Albritton.	Long of Houston.
Baker.	Long of Wichita.
Baldwin.	Mankin.
Bateman.	Martin.
Beck.	Mauritz.
Bounds.	McCombs.
Bradley.	McGill.
Brooks.	Metcalfe.
Carpenter.	Minor.
Chastain.	Montgomery.
Conway.	Moore.
Cox of Limestone.	Morse.
Davis.	Negley.
De Wolfe.	Olsen.
Dunlap.	O'Neill.
Enderby.	Palmer.
Ewing.	Patterson.
Eickenroht.	Pavlica.
Finn.	Petsch.
Finlay.	Pool.
Forbes.	Pope of Jones.
Gates.	Pope of Nueces.
Gerron.	Purl.
Gilbert.	Richardson.
Giles.	Rountree.
Graves	Sanders.
of Williamson.	Savage.
Graves of Erath.	Shaver.
Harman.	Shelton.
Hefley.	Shipman.
Hogg.	Simmons.
Holder.	Sinks.
Hopkins.	Smith.
Hornaday.	Speck.
Hubbard.	Stevenson.
Johnson	Tarwater.
of Dimmit.	Thompson.
Johnson of Smith.	Turner.
Jones.	Van Zandt.
Justiss.	Veatch.
Keeton.	Waddell.
Keller.	Wallace.
Kemble.	Warwick.
Kennedy.	Westbrook.
Kincaid.	Wiggs.
King.	Williams
Kinnear.	of Sabine.
Lee.	Young.

Nays—13.

Bond.	Harrison.
Brice.	Jenkins.

Johnson of Scurry.	Sherrill.
McKean.	Snelgrove.
Prendergast.	Williams
Ray.	of Travis.
Reader.	Woodruff.

Present—Not Voting.

Anderson.	Quinn.
Duvall.	Stephens.
Maynard.	Strong.
Mosely.	

Absent.

Adkins.	McDonald.
Barnett.	Mullally.
Coltrin.	Murphy.
Cox of Navarro.	Renfro.
Hardy.	Storey.
Harper.	Thurmond.
Heaton.	Walters.
Kayton.	White.
Land.	Woodall.
Loy.	

Absent—Excused.

Acker.	Nicholson.
Avis.	Reid.
Cox of Lamar.	Rogers.
Fuchs.	Tillotson.
Harding.	Webb.
Hines.	Williams
Kenyon.	of Hardin.
Mehl.	

Mr. Kemble offered the following substitute for the (committee) amendment as amended:

Amend the bill by striking out all above and below the enacting clause and insert in lieu thereof the following:

A bill to be entitled "An Act to provide for the sale of oil and gas in and on University lands; to create a board to perform the duties with reference thereto provided hereby; to provide for surveying, dividing and marking said lands; prescribing duties of the board of regents of the University of Texas and of the Commissioner of the General Land Office of the State of Texas; authorizing the employment of geologist and mineralogist, and making an appropriation, and repealing all laws in conflict herewith; and declaring an emergency."

Be it enacted by the Legislature of the State of Texas:

Section 1. A board is hereby created, to consist of the Commissioner of the General Land Office and two members of the board of regents of the University of Texas, to be selected by the said board of regents, who shall perform the duties hereinafter indicated; the board

shall be known as "Board for Lease of University Lands." The term "board" wherever it appears hereafter in this act shall mean "Board for Lease of University Lands." The board shall keep a complete public record of all its proceedings.

Sec. 2. It is hereby made the duty of the board to cause to be done such surveying or resurveying of the blocks and subdivisions thereof of the University lands as may be necessary to enable the lines of the blocks and sections and fractional sections to be determined and identified and have such corners as may be necessary to that end permanently marked. When it is impracticable to establish such lines and corners as originally surveyed, or when such sections have not been actually surveyed on the ground, the blocks shall be surveyed or resurveyed and divided into surveys of sections and fractional sections and as many corners thereof as may be necessary for the identification shall be permanently marked. The surveyors employed to do such surveying shall be approved by said board. The field notes of such surveys shall be returned to the General Land Office, and when correct and in accordance with law shall be approved by the Commissioner, filed in the General Land Office and become archives therein.

Sec. 3. The oil and gas in the University land shall be subject to sale on and after June 1, 1929, under the regulations, at the times and on the terms provided herein, together with such rules and regulations as may be authorized herein to be adopted by the board, but not inconsistent with the provisions of this act.

Sec. 4. Whenever there shall be such demand for the purchase of the oil and gas in any one or more separate whole surveys of sections or fractional sections of University land as will reasonably insure that said oil and gas may be sold advantageously, the board shall place said oil and gas in said lands on the market in separate whole surveys or in subdivisions of said surveys. It shall cause to be advertised a brief description of the lands from which the oil and gas is proposed to be sold and that sealed bids for the purchase of said oil and gas by lease will be opened at a designated day, at 10 o'clock a. m. on that day, and that sealed bids received up to that time will be considered. Said advertisement shall be made:

(a) By insertion in two or more papers of general circulation in this State.

(b) By mailing a copy thereof to the county clerk and county judge of every county in this State.

(c) In addition to the two foregoing mandatory provisions, the board may in its discretion cause said advertisement to be placed in oil and gas journals in and out of the State and to be mailed generally to such persons as they think might be interested.

Sec. 5. All bids shall be directed to the said board, in care of the General Land Office of the State of Texas, and shall be retained by the Commissioner of the General Land Office until the day designated for the opening of bids and upon that day the said board, or a majority of its members, shall open said bids and shall list and file and register all bids and money received. A separate bid shall be made for each whole survey or subdivision thereof. No bid shall be accepted which offers a royalty of less than one-eighth of the gross production of oil and gas in the land bid upon, and this minimum royalty may be increased at the discretion of the board before the promulgation of the advertisement of the land. Every bid shall carry the obligation to pay an amount not less than ten cents per acre for delay in drilling, such amount to be fixed by the board in advance of the advertisement, and which shall be paid every year for five years, unless in the meantime production in paying quantities is had upon the land.

Sec. 6. Every bid shall be accompanied by a payment equal to the minimum price fixed on the land per acre for delay in drilling of the land bid for, which amount will constitute the first year rental payment for delay in drilling if the bid is accepted. The bid shall further indicate the royalty the bidder is willing to pay, which royalty shall not be less than one-eighth of the gross production. The bid shall further name such amount as the bidder may be willing to pay in addition to the royalty and the annual payment herein provided for, and shall be accompanied by cash or checks collectible in Austin to cover such amount.

Sec. 7. If any one of the bidders shall have offered a reasonable and proper price therefor, not less than the price fixed by the board, the lands advertised, or any whole survey or subdivision thereof may be leased for oil and gas purposes under the terms of this act and such regulations as the board of the General Land Office may prescribe, not inconsistent with the provisions of

this act. If after any bidding by sealed bids the board should reject all bids, as it is hereby authorized to do, it may thereafter offer for sale and sell the oil and gas in said lands, in separate whole surveys only or subdivisions thereof, by open public auction to be held at a time and place designated by the board and after adequate and proper notice, but no disposition shall be made of said oil and gas in said lands at such public auction at a price less than the price offered by the sealed bids. In the event of no sale at public auction, any subsequent procedure for the sale of said oil and gas leases shall be in the manner above provided.

Sec. 8. If the board shall determine that a satisfactory bid has been received for said oil and gas, it shall make an award to the applicant offering the highest price therefor, in addition to the minimum royalty and acreage price fixed for delay in drilling, and a lease shall be executed by the board. A duplicate copy of such lease shall be filed in the General Land Office. Whenever the royalties shall amount to as much as the yearly payment as fixed by the board, the yearly payment may be discontinued. If before the expiration of three years oil and gas in paying quantities shall not have been produced, the lease shall terminate. The lease shall include such additional provisions and regulations as the board may prescribe to preserve the interest of the State and safeguard the interests of the University funds, but not inconsistent with the provisions of this act.

Sec. 9. For the purpose of determining which is the highest bid offered, each one-eighth royalty offered in addition to the minimum one-eighth royalty provided for herein shall be considered the equivalent of the highest cash bonus offered by any bids. The proportionate value which the additional royalty offered bears to said one-eighth shall be computed in every case where the bid offers more than the minimum royalty, and when so computed shall be added to the cash bonus, if any, offered by the same bid. The bid offering the highest aggregate bonus amount, thus ascertained, shall be considered the highest bid. In the event of equal bids, whether originally or by the rule herein fixed, all bids shall be rejected. If no bonus is offered by any bidder, then the highest royalty offered shall be considered the highest bid. Nothing in this section shall interfere with the discretion elsewhere herein

vested in the board to reject any and all bids.

Sec. 9a. If during the term of any permit heretofore issued and outstanding at the time of the passage of the act, or any lease issued under the provisions of this act, a permittee or lessee shall have drilled a dry hole on any University land to a depth of 3000 feet, such permittee or lessee and the permittees or lessees of separate whole surveys or subdivisions thereof, any part of which section or fractional section lies within one and one-half miles of such dry hole and which, at the time of completion of such dry hole, shall have been covered by an outstanding permit or lease, may present affidavits of three credible persons evidencing such fact to the Commissioner of the General Land Office and apply for a five-year extension of such permit or permits or lease or leases, which extension shall be in addition to the original term of such permit or lease on the survey or subdivision thereof upon which such dry hole shall have been drilled, and upon such other surveys or subdivisions thereof of which any part lies within one and one-half miles of such dry hole, and which the Commissioner of the General Land Office shall grant by noting the same on the records of his office.

If a permittee or lessee, in prospecting for oil or gas on University lands during the term of any permit heretofore issued and outstanding at the time of the passage of this act, or any lease issued under the provisions of this act, shall have drilled a well to a depth of 1000 feet and be actually drilling in good faith at the time of the expiration of the permit or lease period, such permittee or lessee, and the owners of all permits or leases outstanding at such time covering separate whole surveys or subdivisions thereof any part of which lies within one and one-half miles of such well, shall be entitled to a one-year extension of the permit or permits or lease or leases on all such areas upon presenting affidavits of three credible persons to the Commissioner evidencing such facts and requesting such extension, and the Commissioner shall thereupon grant the extension by noting the same on the records of his office. If such well shall be then completed to a depth of 3000 feet within said one-year extension period and be a dry hole, such permittee or lessee and the permittees or lessees of all University acreage tracts of whole surveys or subdivisions thereof, any part of which lies within one and one-half miles of

such dry hole, shall be entitled to receive a further extension of four years as above provided in the case of a permittee or lessee drilling a dry hole within the five-year period of any original permit or lease. Provided, however, that in all cases where extensions of time for delay in drilling are granted the acreage price previously fixed for delay in drilling, which is the highest on any section or fractional section included in the area embraced in such extension, shall continue to be paid each year in advance on all the area embraced in such extension during the period of such extension.

When commercial oil or gas production shall have been obtained on any lands included in this act, the permittee or lessee or assignee thereof, and the owners, lessees or assignees of all separate whole surveys or subdivisions thereof, any part of which shall be situated within one and one-half miles of such commercially producing well, shall upon presenting to the Commissioner of the General Land Office affidavits of three persons showing the distance between such well and the section or fractional section on which such owner or owners holds a permit or lease to be less than one and one-half miles from such well, be entitled to a continuing lease upon such area or areas so long as such well shall continue as a commercial producer, and for twelve months thereafter, upon the payment of one dollar per acre per annum in advance during the life of such lease or leases, and the provisions of this act shall apply to all cases where any University leased or permitted sections or fractional sections or any part thereof shall be situated within one and one-half miles of any commercially producing well on State University lands, whether such commercially producing well shall be located on an area previously under continuing permit or lease or any other permit or lease.

Sec. 10. Title to all rights purchased may be held by the owners so long as the area produces oil and gas in paying quantities. All rights purchased may be assigned in quantities of not less than forty acres, unless there be less than forty acres remaining on any survey, in which case such lesser area may be so assigned. All assignments shall be filed in the General Land Office within one hundred days after the date of the first acknowledgment thereof, accompanied by ten cents per acre for each acre assigned, and if not so filed and payment made the assignment shall

be ineffective. All rights to any whole survey and to any assigned portion thereof may be relinquished to the State at any time by having an instrument of relinquishment recorded in the county or counties in which the area may be situated and filed in the Land Office, accompanied with one dollar for each area assigned, but such assignment shall not relieve the owner of any past due obligations theretofore accrued thereon. The board shall authorize the laying of pipe lines, telephone lines and the opening of such roads over the University lands as may be deemed reasonably necessary for and incident to the purposes of this act.

Sec. 11. Royalty as stipulated in the sale shall be paid to the General Land Office at Austin, Texas, for the benefit of the University permanent fund on or before the 20th day of each succeeding month for the preceding month during the life of the rights purchased, and it shall be accompanied by the sworn statement of the owner, manager or other authorized agent showing the gross amount of oil produced and saved since the last report and the market value of the oil and gas, together with a copy of all daily gauges of tanks, gas meter readings, pipe line receipts, gas line receipts and other checks and memoranda of the amounts produced and put into pipe lines, tanks or pools and gas lines or gas storage. The books and accounts, receipts and discharges of all wells, tanks, pools, meters, pipe lines and all contracts and other records pertaining to the production, transportation, sale and marketing of the oil and gas shall at all times be subject to inspection and examination by the Commissioner of the General Land Office, the Attorney General, the Governor or any member of the board of regents of the University of Texas, or the representatives of either.

Sec. 12. In every case where the area in which the oil and gas sold shall be contiguous or adjacent to land not University land, the acceptance of the bid and the sale made thereby shall constitute an obligation on the owner thereof to adequately protect the land leased from drainage from adjacent lands. In cases where the area in which the oil and gas is sold is contiguous to other University lands leased or sold, at a lesser royalty, the owner shall likewise protect the State from drainage from the land so leased or sold for lesser royalties. Upon failure to protect the land from drainage as herein provided, the sale and all rights hereunder shall

be forfeited by the board in the manner elsewhere provided herein for forfeitures.

Sec. 13. If the owner of the rights acquired under this act shall fail or refuse to make the payment of any sum due thereon, either as rental or royalty on the production, within thirty days after same shall become due, or if such owner or his authorized agent should make any false return or false report concerning production, royalty or drilling, or if such owner shall fail or refuse to drill any offset well or wells in good faith, as required by his lease, or if such owner or his agent should refuse the proper authority access to the records and other data pertaining to the operations under this act, or if such owner, or his authorized agent, should fail or refuse to give correct information to the proper authorities, or fail or refuse to furnish the log of any well within thirty days after production is found in paying quantities, or if any of the material terms of the lease should be violated, such lease shall be subject to forfeiture by the board by an order entered upon the minutes of the board reciting the facts constituting the default and declaring the forfeiture. The board may, if it so determines, have suit instituted for forfeiture through the Attorney General of the State. Upon proper showing by the forfeiting owner, within thirty days after the declaration of forfeiture, the owner may, at the discretion of the board and upon such terms as it may prescribe, be reinstated. In case of violation by the owner of the lease contract, the remedy of the State by forfeiture shall not be the exclusive remedy, but suit for damages or specific performance, or both, may be instituted. The State shall have a first lien upon all oil and gas produced upon the leased area and upon all rigs, tanks, pipe lines, telephone lines and machinery and appliances used in the production and handling of oil and gas produced thereon to secure any amount due from the owner of said lease.

Sec. 14. All surveys, files, records, copies of sale and lease contracts, and all other records pertaining to the sales and leases hereby authorized, shall be filed in the General Land Office and constitute the archives thereof. Payment hereunder shall be made to the Commissioner of the General Land Office at Austin, Texas, who shall transmit to the State Treasurer all royalty for deposit to the credit of the permanent University fund and all rentals for delay in drilling and all other payments,

including all filing, assignment and relinquishment fees hereunder to the credit of the available University fund.

Sec. 15. The board is authorized to employ a geologist and a mineralogist, who shall keep informed with reference to the minerals in University lands and all activities under this and previous leases and sales and shall report to the board all information gained with reference thereto. The board is also authorized to employ other necessary employees. The salaries of such employees shall be paid monthly and no salary shall be paid in excess of six thousand (\$6000) dollars per annum.

Sec. 16. The expenses of executing the provisions of this act shall be paid monthly by warrants drawn by the Comptroller on the State Treasurer, and for that purpose the sum of twenty thousand (\$20,000) dollars, or as much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated until September 1, 1929.

Sec. 17. If any provision hereof should be held unconstitutional, the balance of the act shall not be affected thereby.

Sec. 18. Since there is now no law authorizing the sale of oil and gas leases on University lands, this fact creates an emergency and an imperative public necessity exists that the constitutional rule requiring bills to be read on three separate days in each house be suspended and that this be placed upon third reading and final passage and take effect from and after passage, and it is so enacted.

Mr. Woodruff, by unanimous consent, offered the following amendment to the substitute amendment:

Amend Section 9a of substitute by striking out all of that part of said section beginning with the words "When commercial oil or gas production shall have been obtained," etc., striking out all remainder of that paragraph following.

The amendment was adopted.

Mr. Bond, by unanimous consent, offered the following amendment to the substitute amendment:

Amend substitute to Senate bill No. 82 by adding to Section 9a, "The board for leasing University lands shall adopt proper forms and regulations, rules and contracts, as will in its judgment best protect the income from such lands. All laws and parts of laws in conflict with the provisions of this act as applied to

the leasing of University lands be and the same is hereby repealed."

The amendment was adopted.

Mr. Purl moved a call of the House for the purpose of maintaining a quorum pending consideration of Senate bill No. 82, and the call was duly ordered.

The Speaker then directed the Door-keeper to close the main entrance to the Hall and instructed the Sergeant-at-Arms to lock all other doors leading from the Hall, and stated that no member would be permitted to leave the Hall without written permission from the Speaker.

A quorum was announced present.

Mr. Bond, by unanimous consent, offered the following amendment to the amendment:

Amend Section 9a of substitute to Senate bill No. 82 by striking out the following words in first and second lines of said section which reads as follows, "heretofore issued and outstanding at the time of the passage of the act."

The amendment was adopted.

Question then recurring on the substitute amendment by Mr. Kemble, yeas and nays were demanded.

The amendment was adopted by the following vote:

#### Yeas—70.

Adkins.	Keeton.
Baker.	Kemble.
Baldwin.	Kennedy.
Beck.	Kincaid.
Bond.	Kinnear.
Bradley.	Lemens.
Carpenter.	Long of Houston.
Conway.	Martin.
Davis.	Mauritz.
Dunlap.	Maynard.
Duvall.	McCombs.
Enderby.	McGill.
Ewing.	McKean.
Eickenroht.	Metcalfe.
Finn.	Minor.
Forbes.	Montgomery.
Graves	Morse.
of Williamson.	Negley.
Hardy.	Patterson.
Harper.	Petsch.
Harrison.	Pool.
Heaton.	Prendergast.
Hefley.	Purl.
Holder.	Ray.
Hopkins.	Reader.
Hornaday.	Richardson.
Hubbard.	Savage.
Johnson	Shaver.
of Dimmit.	Shelton.
Johnson of Scurry.	Simmons.
Kayton.	Sinks.

Smith.  
Speck.  
Strong.  
Thompson.  
Van Zandt.  
Veatch.  
Waddell.

Wallace.  
Walters.  
Warwick.  
Westbrook.  
Williams  
of Travis.  
Woodruff.

#### Nays—47.

Ackerman.	Mankin.
Albritton.	Moore.
Barnett.	Mosely.
Bounds.	Olsen.
Brice.	Palmer.
Chastain.	Pavlica.
Coltrin.	Pope of Jones.
Cox of Navarro.	Pope of Nueces.
Cox of Limestone.	Renfro.
DeWolfe.	Rountree.
Gerron.	Sanders.
Gilbert.	Sherrill.
Giles.	Shipman.
Graves of Erath.	Snelgrove.
Harman.	Stephens.
Jenkins.	Stevenson.
Johnson of Smith.	Storey.
Jones.	Tarwater.
Justiss.	Turner.
Keller.	White.
King.	Williams
Land.	of Sabine.
Lee.	Woodall.
Long of Wichita.	Young.

#### Present—Not Voting.

Quinn.

#### Absent.

Anderson.	Loy.
Bateman.	McDonald.
Brooks.	Mullally.
Finlay.	Murphy.
Gates.	O'Neill.
Harding.	Thurmond.
Hogg.	Wiggs.

#### Absent—Excused.

Acker.	Nicholson.
Avis.	Reid.
Cox of Lamar.	Rogers.
Fuchs.	Tillotson.
Hines.	Webb.
Kenyon.	Williams
Mehl.	of Hardin.

Mr. Woodruff moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Question then recurring on the committee amendment as substituted, yeas and nays were demanded.

The amendment was adopted by the following vote:



## Yeas—90.

Adkins.	Martin.
Baker.	Mauritz.
Baldwin.	Maynard.
Beck.	McCombs.
Bond.	McGill.
Bounds.	McKean.
Bradley.	Metcalf.
Carpenter.	Minor.
Conway.	Montgomery.
Cox of Navarro.	Morse.
Cox of Limestone.	Negley.
Davis.	Olsen.
Enderby.	Patterson.
Ewing.	Pavlica.
Eickenroht.	Petsch.
Finn.	Pool.
Forbes.	Pope of Jones.
Gates.	Prendergast.
Gerron.	Purl.
Gilbert.	Quinn.
Graves	Ray.
of Williamson.	Reader.
Hardy.	Richardson.
Harman.	Rountree.
Harper.	Sanders.
Harrison.	Savage.
Heaton.	Shaver.
Hefley.	Shelton.
Holder.	Shipman.
Hopkins.	Simmons.
Hornaday.	Sinks.
Hubbard.	Smith.
Johnson	Speck.
of Dimmit.	Storey.
Johnson of Scurry.	Strong.
Justiss.	Thompson.
Kayton.	Turner.
Keeton.	Van Zandt.
Keller.	Veatch.
Kemble.	Waddell.
Kennedy.	Wallace.
Kincaid.	Warwick.
Kinnear.	Westbrook.
Land.	White.
Lemens.	Woodall.
Long of Houston.	Woodruff.

## Nays—25.

Ackerman.	Mankin.
Albritton.	Moore.
Barnett.	Mosely.
Brice.	Palmer.
Chastain.	Pope of Nueces.
Coltrin.	Renfro.
DeWolfe.	Sherrill.
Giles.	Snelgrove.
Graves of Erath.	Stephens.
Johnson of Smith.	Stevenson.
King.	Williams
Lee.	of Sabine.
Long of Wichita.	Young.

## Absent.

Anderson.	Brooks.
Bateman.	Dunlap.

Duvall.	Murphy.
Finlay.	O'Neill.
Harding.	Tarwater.
Hogg.	Thurmond.
Jenkins.	Walters.
Jones.	Wiggs.
Loy.	Williams
McDonald.	of Travis.
Mullally.	

## Absent—Excused.

Acker.	Nicholson.
Avis.	Reid.
Cox of Lamar.	Rogers.
Fuchs.	Tillotson.
Hines.	Webb.
Kenyon.	Williams
Mehl.	of Hardin.

Senate bill No. 82 was then passed to third reading by the following vote:

## Yeas—92.

Adkins.	King.
Baker.	Kinnear.
Baldwin.	Lee.
Beck.	Lemens.
Bond.	Long of Houston.
Bounds.	Martin.
Bradley.	Mauritz.
Carpenter.	Maynard.
Conway.	McCombs.
Cox of Navarro.	McGill.
Cox of Limestone.	McKean.
Davis.	Metcalf.
DeWolfe.	Minor.
Dunlap.	Montgomery.
Duvall.	Moore.
Enderby.	Morse.
Ewing.	Negley.
Eickenroht.	Olsen.
Finn.	Patterson.
Forbes.	Pavlica.
Gilbert.	Petsch.
Giles.	Pool.
Graves	Pope of Jones.
of Williamson.	Prendergast.
Hardy.	Purl.
Harper.	Quinn.
Harrison.	Ray.
Heaton.	Reader.
Hefley.	Richardson.
Holder.	Rountree.
Hopkins.	Sanders.
Hornaday.	Savage.
Hubbard.	Shaver.
Johnson	Shelton.
of Dimmit.	Shipman.
Johnson of Scurry.	Simmons.
Justiss.	Sinks.
Kayton.	Smith.
Keeton.	Speck.
Keller.	Storey.
Kemble.	Strong.
Kennedy.	Thompson.
Kincaid.	Van Zandt.

Veatch.  
Waddell.  
Walters.  
Warwick.  
Westbrook.

White.  
Williams  
of Travis.  
Woodall.  
Woodruff.

Nays—28.

Ackerman.	Mankin.
Albritton.	Mosely.
Barnett.	Palmer.
Brice.	Pope of Nueces.
Chastain.	Renfro.
Coltrin.	Sherrill.
Gates.	Snelgrove.
Gerron.	Stephens.
Graves of Erath.	Stevenson.
Harman.	Tarwater.
Jenkins.	Turner.
Johnson of Smith.	Williams
Jones.	of Sabine.
Land.	Young.
Long of Wichita.	

Absent.

Anderson.	Loy.
Bateman.	McDonald.
Brooks.	Mullally.
Finlay.	O'Neill.
Harding.	Thurmond.
Hogg.	Wiggs.

Absent—Excused.

Acker.	Nicholson.
Avis.	Reid.
Cox of Lamar.	Rogers.
Fuchs.	Tillotson.
Hines.	Wallace.
Kenyon.	Webb.
Mehl.	Williams
Murphy.	of Hardin.

# MOTION TO TAKE UP SENATE BILL NO. 82.

Mr. Kemble moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 82 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

Yeas—94.

Adkins.	Cox of Navarro.
Baker.	Cox of Limestone.
Baldwin.	Davis.
Beck.	Dunlap.
Bond.	Enderby.
Bounds.	Ewing.
Bradley.	Finn.
Carpenter.	Forbes.
Chastain.	Gates.
Conway.	Gilbert.

Graves  
of Williamson.

Giles.  
Hardy.  
Harman.  
Harper.  
Harrison.  
Heaton.  
Hefley.  
Holder.  
Hopkins.  
Hornaday.  
Hubbard.  
Jenkins.  
Johnson  
of Dimmit.  
Johnson of Scurry.  
Justiss.  
Keeton.  
Keller.  
Kemble.  
Kennedy.  
Kincaid.  
Kinnear.  
Land.  
Lemens.  
Long of Houston.  
Martin.  
Mauritz.  
Maynard.  
McCombs.  
McGill.  
McKean.  
Minor.  
Montgomery.  
Moore.  
Morse.  
Negley.  
Palmer.

Patterson.  
Petsch.  
Pool.  
Pope of Jones.  
Prendergast.  
Purl.  
Quinn.  
Ray.  
Reader.  
Richardson.  
Rountree.  
Sanders.  
Savage.  
Shaver.  
Shelton.  
Shipman.  
Simmons.  
Sinks.  
Smith.  
Snelgrove.  
Speck.  
Stevenson.  
Storey.  
Strong.  
Tarwater.  
Thompson.  
Van Zandt.  
Veatch.  
Waddell.  
Wallace.  
Warwick.  
Westbrook.  
White.  
Williams  
of Travis.  
Woodall.  
Woodruff.  
Young.

Nays—24.

Ackerman.	Lee.
Albritton.	Long of Wichita.
Barnett.	Mankin.
Brice.	Mosely.
Coltrin.	Pavlica.
DeWolfe.	Pope of Nueces.
Eickenroht.	Renfro.
Gerron.	Sherrill.
Graves of Erath.	Stephens.
Johnson of Smith.	Turner.
Jones.	Williams
Kayton.	of Sabine.
King.	

Absent.

Anderson.	Metcalfe.
Bateman.	Mullally.
Brooks.	Murphy.
Duvall.	Olsen.
Finlay.	O'Neill.
Harding.	Thurmond.
Hogg.	Walters.
Loy.	Wiggs.
McDonald.	

## Absent—Excused.

Acker.	Nicholson.
Avis.	Reid.
Cox of Lamar.	Rogers.
Fuchs.	Tillotson.
Hines.	Webb.
Kenyon.	Williams
Mehl.	of Hardin.

Mr. Woodruff moved to reconsider the vote by which the House refused to suspend the constitutional rule for the purpose of taking up Senate bill No. 82.

The motion to reconsider prevailed by the following vote:

## Yeas—87.

Adkins.	Long of Wichita.
Baker.	Martin.
Baldwin.	Mauritz.
Beck.	Maynard.
Bond.	McCombs.
Bradley.	McGill.
Brooks.	McKean.
Carpenter.	Minor.
Chastain.	Montgomery.
Conway.	Morse.
Cox of Navarro.	Negley.
Cox of Limestone.	Olsen.
Davis.	Palmer.
Dunlap.	Patterson.
Enderby.	Petsch.
Ewing.	Pool.
Finn.	Pope of Jones.
Forbes.	Prendergast.
Gilbert.	Quinn.
Giles.	Ray.
Graves	Reader.
of Williamson.	Richardson.
Hardy.	Rountree.
Harman.	Shelton.
Harper.	Shipman.
Harrison.	Simmons.
Heaton.	Sinks.
Hefley.	Smith.
Holder.	Stevenson.
Hopkins.	Storey.
Hornaday.	Strong.
Hubbard.	Tarwater.
Jenkins.	Thompson.
Johnson	Van Zandt.
of Dimmit.	Veatch.
Johnson of Scurry.	Waddell.
Jones.	Wallace.
Justiss.	Warwick.
Keeton.	Westbrook.
Keller.	White.
Kemble.	Williams
Kennedy.	of Travis.
Kincaid.	Woodall.
Land.	Woodruff.
Lemens.	Young.
Long of Houston.	

## Nays—21.

Albritton.	Pavlica.
Barnett.	Pope of Nueces.
Coltrin.	Renfro.
Gerron.	Sanders.
Graves of Erath.	Savage.
Johnson of Smith.	Sherrill.
Kayton.	Snelgrove.
King.	Stephens.
Lee.	Turner.
Mankin.	Williams
Mosely.	of Sabine.

## Absent.

Ackerman.	Loy.
Anderson.	McDonald.
Bateman.	Metcalfe.
Bounds.	Moore.
Brice.	Mullally.
DeWolfe.	Murphy.
Duvall.	O'Neill.
Eickenroht.	Purl.
Finlay.	Shaver.
Gates.	Speck.
Harding.	Thurmond.
Hogg.	Walters.
Kinnear.	Wiggs.

## Absent—Excused.

Acker.	Nicholson.
Avis.	Reid.
Cox of Lamar.	Rogers.
Fuchs.	Tillotson.
Hines.	Webb.
Kenyon.	Williams
Mehl.	of Hardin.

Mr. Woodruff then moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate bill No. 82 be placed on its third reading and final passage.

The motion was lost by the following vote (not receiving the necessary four-fifths vote):

## Yeas—92.

Mr. Speaker.	Ewing.
Adkins.	Finn.
Baker.	Forbes.
Baldwin.	Gilbert.
Beck.	Giles.
Bond.	Graves
Bounds.	of Williamson.
Bradley.	Hardy.
Brooks.	Harman.
Chastain.	Harper.
Conway.	Harrison.
Cox of Navarro.	Hefley.
Cox of Limestone.	Holder.
Davis.	Hopkins.
Dunlap.	Hornaday.
Duvall.	Hubbard.
Enderby.	Jenkins.

Johnson of Dimmit.	Prendergast.
Johnson of Scurry.	Purl.
Keeton.	Quinn.
Keller.	Ray.
Kemble.	Reader.
Kennedy.	Richardson.
Kincaid.	Rountree.
Kinnear.	Savage.
Land.	Shaver.
Lemens.	Shelton.
Long of Houston.	Shipman.
Long of Wichita.	Simmons.
Martin.	Sinks.
Mauritz.	Smith.
Maynard.	Speck.
McCombs.	Stevenson.
McGill.	Storey.
McKean.	Strong.
Metcalfe.	Tarwater.
Minor.	Van Zandt.
Montgomery.	Veatch.
Moore.	Waddell.
Morse.	Wallace.
Negley.	Warwick.
Olsen.	Westbrook.
Palmer.	White.
Patterson.	Williams
Petsch.	of Travis.
Pool.	Woodruff.
Pope of Jones.	Young.

Nays—28.

Ackerman.	Lee.
Albritton.	Mankin.
Barnett.	Mosely.
Brice.	Pavlica.
Coltrin.	Pope of Nueces.
DeWolfe.	Renfro.
Gates.	Sanders.
Gerron.	Sherrill.
Graves of Erath.	Snelgrove.
Heaton.	Stephens.
Johnson of Smith.	Turner.
Jones.	Williams
Justiss.	of Sabine.
Kayton.	Woodall.
King.	

Present—Not Voting.

Carpenter.

Absent.

Anderson.	McDonald.
Bateman.	Mullally.
Eickenroht.	O'Neill.
Finlay.	Thompson.
Harding.	Thurmond.
Hogg.	Walters.
Loy.	Wiggs.

Absent—Excused.

Acker.	Hines.
Avis.	Kenyon.
Cox of Lamar.	Mehl.
Fuchs.	Murphy.

Nicholson.	Webb.
Reid.	Williams
Rogers.	of Hardin.
Tillotson.	

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February —, 1929.

Hon. W. S. Barron, Speaker of the  
House of Representatives.

Sir: I am directed by the Senate to  
inform the House that the Senate has  
passed

S. B. No. 21, A bill to be entitled  
"An Act to amend Chapter 181 of the  
General Laws of the Fortieth Legisla-  
ture of the State of Texas, Regular Ses-  
sion, providing for the classification of  
elementary and high schools by the  
county board of school trustees; pro-  
viding for free tuition for certain high  
school students; and declaring an emer-  
gency."

S. B. No. 86, A bill to be entitled  
"An Act to establish and maintain a  
dairy, poultry, pecan, crops and other  
native products experiment station on  
the Miles Roscoe and Abilene soil type  
in Taylor, Jones, Callahan or Shackel-  
ford counties, Texas, within a radius of  
twenty-five miles of Abilene, Taylor  
county, Texas; authorizing the board  
of directors of the Agricultural and  
Mechanical College of Texas to select a  
suitable location for said station, and  
empowering said board to establish and  
maintain same; to accept donations of  
lands, water, live stock, seeds, plants  
and money for the establishment of the  
said station and for the operation of  
same; and declaring an emergency."

S. B. No. 318, A bill to be entitled  
"An Act to amend Article 1430, Title  
17, Chapter 8, of the Penal Code of  
Texas, adopted at the Regular Session  
of the Thirty-ninth Legislature, 1925,  
being an act defining the receiving or  
concealing of stolen property or prop-  
erty which has been acquired in such a  
manner that the acquisition comes with-  
in the meaning of the term theft by one  
knowing the same to have been so ac-  
quired, and prescribing the punishment  
for the violation thereof; and providing  
that no person shall be excused from  
testifying against persons who have vio-  
lated the provisions of said article for  
the reason that such testimony would  
incriminate such witness; and provid-  
ing that no person required to so tes-  
tify shall be punishable for acts dis-  
closed by such testimony; and providing

that no such person so testifying shall be held in law or in fact to be an accomplice when a witness in any such trial."

S. B. No. 364, A bill to be entitled "An Act amending Article 6562, Chapter 1, Title 113, of the Revised Statutes of the State of Texas of 1925, increasing the pay of officers and men of the State ranger force."

S. B. No. 349, A bill to be entitled "An Act relating to financial management and control of any incorporated city or town that has, or may hereafter, defaulted in payment of bonds or other obligations lawfully issued thereby, etc.; and declaring an emergency."

S. B. No. 374, A bill to be entitled "An Act making it unlawful for any person to fish by means of a net in the counties of Cherokee, Nacogdoches, San Augustine, Angelina, Sabine, Newton, Jasper and Tyler; declaring the violation of the provisions of this act shall be deemed a misdemeanor, and providing a penalty; and declaring an emergency."

S. B. No. 376, A bill to be entitled "An Act conferring upon all cities and towns in Texas, and conferring upon all independent school districts having 150 scholastics or more, the right and power by the exercise of the right of eminent domain to acquire the fee simple title to real property for the purpose of supplying playgrounds, sites upon which to build school houses and for such other purposes as may be necessary for such schools; and providing that the assessing of damages shall be in conformity to the statutes of the State of Texas for condemning and acquiring property by railroads; and providing a method whereby any such city or town or independent school district may take possession of any property condemned after the award of the commissioners; and repealing all laws, both general and special, in conflict herewith; and declaring an emergency."

S. B. No. 380, A bill to be entitled "An Act to protect and secure persons, firms, corporations, artisans, laborers, mechanics and sub-contractors furnishing labor, materials, machinery, fixtures or tools in connection with the drilling, re-drilling or deepening of oil or gas wells, in the payment of amounts due them for same; providing for a bond to be filed by such drillers, requiring them to procure a certificate from the Railroad Commission; providing penalties for violation of this act; enacting provisions necessary and incidental to the subject and purpose of the act; and declaring an emergency."

S. B. No. 390, A bill to be entitled "An Act making an appropriation to be used for the erection of a monument in the city of Crockett, Houston county, Texas, in memory of David Crockett, a Texas hero, who was killed in the battle of the Alamo in Texas' struggle for freedom; said appropriation to be used for the purpose of erecting said monument; providing the means, agencies and expenditure of said fund and erection of the monument; and declaring an emergency."

S. B. No. 434, A bill to be entitled "An Act to create Santa Maria Water Control and Improvement District Cameron County Number Four in Cameron county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as a water improvement district under Article 3, Section 52, of the Constitution; validating and approving all orders made by the board of directors of said district converting said district to a conservation and reclamation district under Section 59, of Article 16, of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment, and the issuance and sale of the bonds of said district and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all taxable property in said district; approving and validating all orders of the commissioners court of said county and of the board of directors of said district, bonds and taxes or certified copies thereof, and constituting all such orders and their record legal evidence; providing that proof of publication of the constitutional notice required in the enactment of this act has been duly made; enacting provisions incident and necessary to the subject and purpose of this act; and declaring an emergency."

S. B. No. 446, A bill to be entitled "An Act extending oil and gas permits and combinations thereof issued on University lands that are valid and in good standing on the day this act takes effect, and the terms of which will expire on or before December 31, 1929, etc.; and declaring an emergency."

S. B. No. 482, A bill to be entitled "An Act providing for dairy research work and soil research and co-operative fertilizer experiments to be carried on through two sub-experiment stations in East Texas under the direction

of the Agricultural and Mechanical College Experiment Station; making an appropriation for same; and declaring an emergency."

S. B. No. 477, A bill to be entitled "An Act defining aircraft, public and civil airman, and providing that in the interest of public safety and desirability of uniform regulation and in the interest of aeronautical progress that aircraft operating within this State should conform with respect to design, construction and airworthiness to the standards prescribed by the United States government, and making it unlawful for the navigation of aircraft within this State, whether for commercial, pleasure or non-commercial purposes, unless it is licensed and registered by the Department of Commerce of the United States in the manner prescribed by the lawful rules and regulations of the United States government then in force, etc.; and declaring an emergency."

S. B. No. 481, A bill to be entitled "An Act to accept the benefits and provisions of the Act of Congress authorizing the extension of Federal aid for construction of toll bridges on the highways included in the Federal system, under certain conditions and limitations, 44 United States Statutes 1398, approved March 3, 1929, etc.; and declaring an emergency."

S. B. No. 485, A bill to be entitled "An Act to provide for additional compensation for official shorthand reporters of all judicial districts or district courts in any county in this State having a population in excess of 15,000 inhabitants according to the last United States census and according to any United States census which may hereafter be taken, and having only one judicial district or one district court in such county; and declaring an emergency."

S. B. No. 524, A bill to be entitled "An Act providing for neighborhood roads in Brewster county, Texas, under certain conditions and circumstances; and declaring an emergency."

S. B. No. 527, A bill to be entitled "An Act creating a more efficient road system for Anderson county, Texas; providing that the county commissioners shall co-operate with the State Highway Department in the establishment, construction and maintenance of designated State highways to be paid for partly by the county and partly by the State or Federal government, etc.; and declaring an emergency."

S. B. No. 529, A bill to be entitled "An Act creating a special road law for Karnes county, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation; and declaring an emergency."

S. B. No. 536, A bill to be entitled "An Act providing for a rural school supervisor in certain counties in lieu of teachers' institutes; prescribing the duties of said supervisor; providing for visits to schools of the county and work in co-operation with teachers; prescribing the salary of said supervisor and how it shall be paid; providing other things incidental to said purpose; and declaring an emergency."

S. B. No. 569, A bill to be entitled "An Act to increase the civil jurisdiction of the county court of Washington county; and declaring an emergency."

Respectfully,

MORRIS C. HANKINS.

Assistant Secretary of the Senate.

BILL ORDERED NOT PRINTED.

On motion of Mr. Snelgrove, House bill No. 675 was ordered not printed.

RECESS.

Mr. McCombs moved that the House recess to 8 o'clock p. m. today.

Mr. Sanders moved that the House recess to 9:30 o'clock a. m. tomorrow.

The motion of Mr. McCombs prevailed, and the House accordingly, at 6:45 o'clock p. m., took recess to 8 o'clock p. m. today.

NIGHT SESSION.

The House met at 8 o'clock p. m. and was called to order by the Speaker.

CONFERENCE COMMITTEE ON  
HOUSE JOINT RESOLUTION  
NO. 7.

The Speaker announced the following free conference committee on House joint resolution No. 7:

Messrs. Petsch, Snelgrove, Veatch, Minor and Kemble.

CONFERENCE COMMITTEE ON SEN-  
ATE BILL NO. 74.

The Speaker announced the following conference committee on Senate bill No. 74:

Messrs. Holder, Chairman; Duvall, Chastain, Hardy and McCombs.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

H. B. No. 180, "An Act to amend Article 1302 of the Revised Civil Statutes of Texas, as amended by Chapter 11 and Chapter 200, Acts of the Regular Session of the Fortieth Legislature, by adding to said Article 1302 a new subdivision to be known as subdivision 91; providing for incorporation for the establishment, support, and maintenance of automobile clubs for the mutual benefit and protection of automobile operators with power to acquire and own all property incident to such business."

H. B. No. 183, "An Act providing for a lien on personal property for ad valorem taxes; repealing all laws and parts of laws in conflict therewith."

H. B. No. 161, "An Act amending Article 591 of the Code of Criminal Procedure of the State of Texas, 1925, relating to the selection of special venire, so as to make said article apply in any county having a population of at least fifty-eight thousand or having therein a city containing a population of at least twenty thousand as shown by the preceding Federal census."

H. B. No. 84, "An Act forbidding drinking of intoxicating liquor on any common carrier, and to amend Article 478 of the Criminal Code."

H. B. No. 75, "An Act defining the jurisdiction of the Court of Civil Appeals, and to amend Articles 1819 and 1824 of the Revised Civil Statutes of 1925."

H. B. No. 413, "An Act to amend Chapter 193 of the General Laws of the Fortieth Legislature, page 275, to provide for and regulate the method of taking or catching fish in the public fresh waters of Marion, Cass, Bowie, Harrison, Smith and Rusk counties, State of Texas."

H. B. No. 455, "An Act to create LaSalle County Water Improvement District No. 1, embracing lands in the county of LaSalle, in the State of Texas, as a water improvement district and body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries."

H. B. No. 7, "An Act to provide authority to the State Highway Commission to select and maintain temporary detour roads through counties where

construction of designated parts of the State highway system is being carried on, and setting forth the duties of the Commission and of the counties therewith; and providing authority to county commissioners courts to select and maintain temporary detour roads in the county where construction of any public road is being carried on, not part of the State system of designated highways, and setting forth the duties of the commissioners court therewith."

H. B. No. 458, "An Act to create LaFeria Water Control and Improvement District, Cameron County Number Three (3) in Cameron county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as water improvement district under Article 3, Section 52, of the Constitution; validating and approving all orders made by the board of directors of said district converting said district into a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas; validating all assessments of taxes, the authorization, issuance and sale of bonds thereof, and providing for their payment and the issuance and sale of the bonds of said district, and providing for their payment by the annual levy, assessment and collection of general and ad valorem taxes on all taxable property in said district; approving and validating all orders of the commissioners court of said county and of the board of directors of said district, bonds and taxes or certified copies thereof, and constituting all such orders and their record legal evidence; providing that proof of publication of constitutional notice required in the enactment of this act has been duly made; enacting provisions incident and necessary to the subject and purpose of this act, and declaring an emergency."

H. B. No. 216, "An Act to validate all school districts created under Chapter 84 of the Acts of the First Called Session of the Fortieth Legislature in 1927; and particularly all independent school districts created under and by virtue of Section 5 of said act."

#### SENATE BILL NO. 270 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 270, A bill to be entitled "An Act to amend Chapter 28 of the

Local and Special Laws enacted by the Thirty-third Legislature at its Regular Session in 1913, same being a special road law for Childress county, by adding thereto Section 2a, authorizing the commissioners court of Childress county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency."

The bill was read second time.

By unanimous consent, the standing committee amendments to all road laws were adopted.

Senate bill No. 270 was then passed to third reading.

#### SENATE BILL NO. 320 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 320, A bill to be entitled "An Act creating a more efficient road system for Hemphill county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of Hemphill county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court

authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency."

The bill was read second time.

By unanimous consent of the House, the amendments as recommended by the committee were adopted.

On motion of Mr. White, the bill was laid on the table subject to call.

#### SENATE BILL NO. 338 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 338, A bill to be entitled "An Act to amend subdivision 24 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, as same appears on page 88 of Volume I of said Revised Statutes, so as to change the time and terms for holding the terms of the district court in Refugio and Calhoun counties in the Twenty-fourth Judicial District of Texas; validating and continuing all writs and process issued or served before this act takes effect, including recognizances and bonds, and making them returnable to the terms of court in the county of Calhoun, in said district, as herein fixed; to validate the summoning of grand and petit jurors under the present law, so as to render them available in Calhoun county under this act; to repeal all laws and parts of laws in conflict herewith, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 268 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 268, A bill to be entitled "An Act to fix the salary of the superintendent of public instruction in each county in Texas having a population of not less than 100,000 nor more than 150,000 according to the last Federal census; providing for office expenses in such counties; repealing all laws and parts of laws in conflict, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 256 ON SECOND READING.

The Speaker laid before the House,



on its second reading and passage to third reading,

S. B. No. 256, A bill to be entitled "An Act fixing the compensation for county tax assessors in counties containing a city with a population of not less than 35,000 and not more than 125,000, according to the last United States census, where the county assessor of taxes compiles and makes a transfer book or card index compiled from the real estate transfers recorded in the county clerk's office showing the names transferred to last owner assessed to, volume and page, description of property, assessed valuation and the consideration of the transfer; keeps a building permit record or card index of all building permits issued showing name of owner, date of permit, description of the property on which building is located, description of the improvement, the permit valuation and the final valuation of the building inspector; keeps a record of the builders' liens recorded in the county clerk's office, and also keeps a card index file of all automobiles, busses and trucks, licensed and owned on January 1st of each year, showing owner of auto, the owner's address, State Highway license number, make and year model of auto, all of said information for the facilitation of the work in said assessor's office and for the more correctly assessing such classes of property and for the purpose of keeping a close check on same; the commissioners court shall allow said assessor who compiles and uses such records extra compensation, not exceeding \$1200 annually, beginning with the fiscal year 1929, to be paid in twelve monthly payments, same to be retained by said assessor as ex-officio salary exclusive of the maximum salary allowed by law, and declaring an emergency."

The bill was read second time.

Mr. Harrison offered the following amendment to the bill:

Amend Senate bill No. 256 by inserting on line 9 between the words "forty-two thousand two hundred and fifty" and "accordingly," the following: "and in counties containing a city of a population of not less than seventy-seven thousand and not more than seventy-eight thousand."

Signed—Harrison, McGill, Pool.

The amendment was adopted.

Senate bill No. 256 was then passed to third reading.

#### SENATE BILL NO. 359 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 359, A bill to be entitled "An Act amending Article 7005, Title 121, of the Revised Civil Statutes of 1925, so as to exempt Matagorda county from the provisions of Chapter 7 of Title 121 of the Revised Civil Statutes of 1925, and from all laws regulating the inspection of hides and animals, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 426 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 426, A bill to be entitled "An Act to change the name of the Criminal District Court of Travis county, to fix and define the jurisdiction of the Fifty-third District Court and the said Criminal District Court with its name changed, to fix the terms in each of said courts, to provide for grand and petit juries in both of said district courts, for a clerk and for a district attorney for said district courts, for continuance in office of the respective judges of said district courts, for appointment of court reporters by the judges of each of said courts, for transferring of both civil and criminal cases; to continue in effect writs, process, bonds, recognizances and orders; enacting proper provisions to continue any term of court that may be in session when this act takes effect, and to preserve grand and petit juries that may be drawn or selected when this act takes effect, and declaring an emergency."

The bill was read second time.

Mr. Williams of Travis offered the following (committee) amendment to the bill:

Amend Senate bill No. 426, Section 4, line 7, of the engrossed bill by inserting the word "grand" before the word "juries" in said line.

The amendment was adopted.

Senate bill No. 426 was then passed to third reading.

#### SENATE BILL NO. 462 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 462, A bill to be entitled "An Act authorizing the district attorney of the Seventy-second Judicial District to appoint one assistant district attorney for a term of two years; prescribing the qualifications and duties of such assistant; fixing said assistant's salary, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 72 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading.

S. B. No. 72, A bill to be entitled "An Act making it lawful for the commissioners court of Clay, Archer, Baylor and Young counties to pay out of the general fund of such counties bounties for the destruction of predatory animals; providing that on petition of two hundred freeholders, the commissioners court of such county may provide amount of bounty and method of proof to entitle claimant to obtain such bounty and prescribing manner of payment, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 389 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading.

S. B. No. 389, A bill to be entitled "An Act creating a more efficient road system for Motley county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of Motley county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof," etc.

The bill was read second time.

By unanimous consent, the amendments as recommended by the committee were adopted.

Senate bill No. 389 was then passed to third reading.

#### SENATE BILL NO. 90 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 90, A bill to be entitled "An Act authorizing certain incorporated cities to acquire and maintain recreational parks and playgrounds outside of the city limits, limiting the amounts of land that may be acquired for such purpose; providing for the necessary funds to such purpose; providing regulations for the operation, maintenance and support of such parks and playgrounds; enacting all necessary provisions incidental to the general purpose of the act in providing for the acquisition, support, maintenance and operation of said parks and playgrounds for the benefit of the general public, providing for the closing of roads running through any such grounds or parks, and declaring an emergency."

The bill was read second time.

Mrs. Moore offered the following amendment to the bill:

Amend Senate bill No. 90 as follows: By striking out in line 35, page 1, the figures "40,000" and insert instead the figures "43,000" and by adding in said line 35 after the word "inhabitants" the following, "according to the United States census of 1920, which city is in a county having a population of less than 100,000 inhabitants according to said census," and amend the caption to conform thereto.

The amendment was adopted.

(Mr. Purl in the chair.)

Senate bill No. 90 was then passed to third reading.

#### SENATE BILL NO. 91 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 91, A bill to be entitled "An Act making better provision for public parks and playgrounds for incorporated cities and towns and counties;

making provision for same when such city or town may own playgrounds or park land outside its limits; providing for such city or town acquiring county-owned land for such purpose; providing for co-operation between the county and any city or town in the operation, control and management of parks and playgrounds under certain conditions and circumstances; providing for the closing of roads running through any such playgrounds or parks; and enacting all necessary provisions incidental to such subject and purpose."

The bill was read second time.

Mrs. Moore offered the following amendments to the bill:

(1)

Amend the caption of S. B. No. 91, as follows: By striking out in the caption the words "and towns" wherever they appear and by striking out the words "or towns" wherever they appear.

(2)

Amend S. B. No. 91 as follows: By striking out in line 32, page 1, the words "or town" and inserting in said line after the word "city" the following: "having a population of more than 43,000 according to the United States census of 1920 in any county having a population of less than 100,000 according to said census," and farther amend said S. B. No. 91 by striking out the words "or town" wherever it may appear in said bill.

The amendments were severally adopted.

Senate bill No. 91 was then passed to third reading.

#### HOUSE BILL NO. 629 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 629, A bill to be entitled "An Act prohibiting the sale of fish during the months of February and March in Cass, Bowie, Morris and Titus counties."

The bill was read second time.

Mr. Hines offered the following amendment to the bill:

Amend House bill No. 629 by adding between the words "any" and "fish," in line 4 of the bill, the words "fresh water," and amend caption accordingly.

The amendment was adopted.

House bill No. 629 was then passed to engrossment.

#### HOUSE BILL NO. 637 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 637, A bill to be entitled "An Act to validate the authorization, issuance and sale of certain school bonds issued by the Phenix Independent School District in Kaufman county, Texas, and providing for their payment by the annual levy, assessment and collection of general ad valorem taxes on all property in said district, approving and validating all orders of the board of trustees of said district, bonds and taxes; and changing the name of said district to the 'Stubbs Independent School District of Kaufman county, Texas,' and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 673 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 673, A bill to be entitled "An Act to reorganize the Forty-second and the One Hundred and Fourth Judicial Districts of the State of Texas, and to prescribe the time and fix the terms of holding the courts in each of said judicial districts, and in the various counties thereof."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 677 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 677, A bill to be entitled "An Act to provide for the selection of jurors for service in civil suits in the district and county courts of counties having a population of at least 16,775 and not more than 17,000 as shown by the preceding Federal census."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 678 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 678, A bill to be entitled "An Act to provide for the selection of special venire in cases in counties having a population of at least 16,775 and not more than 17,000, as shown by the preceding Federal census."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 690 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 690, A bill to be entitled "An Act to create and validate water control and improvement district No. 1 in Hidalgo county, Texas, as a conservation and reclamation district; validating and approving all orders made by the commissioners court of the said county in respect to the original organization of Hidalgo county water improvement district No. 4 under Article 3, Section 52, of the Constitution."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 672 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 672, A bill to be entitled "An Act to amend Chapter 21, Local and Special Laws enacted by the Thirty-eighth Legislature at its Regular Session in 1923, same being a special road law for Falls county, Texas, by adding thereto a new section, 3a, authorizing the commissioners court of Falls county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes, and to levy a tax in payment thereof."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 655 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 655, A bill to be entitled "An Act providing that in counties hav-

ing a population of not less than seventy-three thousand (73,000) and not more than seventy-three thousand, two hundred and fifty (73,250), according to the last preceding Federal census of the year 1920, and said counties having two cities with a population of not less than twenty-two thousand (22,000) each, according to the said census, it shall be unlawful for the commissioners court of such counties in this State to issue warrants for any purpose in any one year which shall exceed the amount of \$25,000."

The bill was read second time and was passed to engrossment.

## SENATE BILL NO. 316 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 316, A bill to be entitled "An Act authorizing any county having taxable values of two hundred ninety million dollars or more according to the latest approved tax rolls of the county to spend not to exceed \$15,000 in any one year out of the general fund of the county for any purpose coming within the authority of the commissioners court of the county under the laws of this State relative to reclamation or conservation, and declaring an emergency."

The bill was read second time and was passed to third reading.

## HOUSE BILL NO. 675 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 675, A bill to be entitled "An Act providing for a rural school supervisor in lieu of the teachers' institute as required under Article 2691, and providing for the payment of the salary of said rural school supervisor in counties having a population of 31,000 to 31,789, according to the Federal census of 1920, and a scholastic population of not less than 9300 as shown by the scholastic census report for the school year 1928-1929."

The bill was read second time.

Mr. Snelgrove offered the following (committee) amendment to the bill:

Amend House bill No. 675 by striking out all above and below the enacting clause and insert in lieu thereof the following:

H. B. No. 675.

By Snelgrove.

## A BILL

## To Be Entitled

An Act providing for a rural school supervisor in lieu of the teachers' institute as required under Article 2691, and providing for the payment of the salary of said rural school supervisor, in counties having a population of 31,000 to 31,789, according to the Federal census of 1920, and a scholastic population of not less than 9300 as shown by the scholastic census report for the school year of 1928-29, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the county board of school trustees in counties having a population of not less than 31,000 nor more than 31,789, according to the Federal census of 1920, and a scholastic population of not less than 9300 as shown by the scholastic report for the school year of 1928-29, may employ a rural school supervisor to plan, outline, and supervise the work of the primary and intermediate grades of the rural schools of the county.

Sec. 2. The rural supervisor provided for in this act shall be the holder of a teachers' permanent certificate (not permanent primary) and shall have had four years successful experience as a teacher in the primary and intermediate grades and in addition shall have had practice teaching in said grades.

Sec. 3. It shall be the duty of such supervisor to visit the schools of the county and help the teachers with their class work by teaching demonstration lessons for them; suggesting methods of presenting the work and aiding them in any other ways possible.

Sec. 4. The supervisor may call meetings of the teachers when deemed necessary, either by the supervisor or the county board, for the purpose of discussing their work with them, and it shall be the duty of the teachers to attend all such meetings, whenever possible.

Sec. 5. The salary of the rural school supervisor shall be determined by the county board of school trustees; provided that the total salary paid such supervisor for any one year shall not exceed \$2000. Said salary shall be paid out of the local or available funds of the districts in proportion to the weekly salary, or salaries, of the teachers of the districts.

Sec. 6. The employment of a rural school supervisor under the terms of this act shall exempt the county superintendent from holding a teachers' institute for rural teachers, including teachers of independent districts of fewer than five hundred scholastics, and exempt the rural teachers of the county from attendance upon a teachers' institute as provided for in Article 2691, Revised Statutes of 1925, and as amended by the Fortieth Legislature.

Sec. 7. The fact that the teachers' institute has ceased to meet the needs of rural teachers, the crowded condition of the calendar, and the need for a supervisor as provided herein during the present year, create an emergency and an imperative public necessity that the constitutional rule requiring that all bills be read on three several days in each house be suspended, and said rule is hereby suspended, and that this act take effect and be in force from and after its passage, and it is so enacted.

Signed—Holder, Graves of Erath, Barnett, Shaver, Negley, Purl, Moore, Harman, Chastain, Heaton, Strong, Justiss, Baldwin.

The amendment was adopted.

House bill No. 675 was then passed to engrossment.

## HOUSE BILL NO. 204 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 204, A bill to be entitled "An Act repealing Article 1223 of the Penal Code of Texas, as revised in 1925."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 649 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 649, A bill to be entitled "An Act creating a more efficient road system for Delta county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court."

The bill was read second time.

By unanimous consent, the amend-

ments as recommended by the committee were adopted.

House bill No. 649 was then passed to engrossment.

#### HOUSE BILL NO. 579 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 579, A bill to be entitled "An Act to change the name of the Criminal District Court of Travis county; to fix and define the jurisdiction of the Fifty-third District Court and said Criminal District Court with its name changed, to fix the terms in each of said courts."

The bill was read second time.

On motion of Mr. Williams of Travis, the bill was laid on the table subject to call.

#### HOUSE BILL NO. 609 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 609, A bill to be entitled "An Act fixing, in counties having a population of more than 100,000 and less than 150,000, and containing a city of more than 75,000 population, the compensation of and providing for the appointment of assistant county attorneys, and prescribing their qualifications, and providing for the appointment of a stenographer."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 627 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 627, A bill to be entitled "An Act authorizing the commissioners court of Jefferson county, Texas, to purchase not exceeding two automobiles for the use of the county tax assessor, to be used by said assessor while actually engaged in the discharge of his official duties, and providing for reports of repairs thereon and maintenance, to be made to the county auditor, and limiting the amount to be expended for the purchase of said automobiles."

The bill was read second time.

Mr. Olsen offered the following (committee) amendment to the bill:

Amend House bill No. 627 by striking

out all above and below the enacting clause and insert in lieu thereof the following:

H. B. No. 627.

#### A BILL

#### To Be Entitled

An Act authorizing the commissioners court in any county having a population of not less than 73,100 and not more than 73,300 as shown by the preceding Federal census to purchase not exceeding two automobiles for the use of the county tax assessor to be used by said assessor while actually engaged in the discharge of his official duties, and providing for reports of repairs thereon and maintenance, to be made to the county auditor and limiting the amount to be expended for the purchase of said automobiles, and providing for the marking of said cars, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the commissioners court in any county having a population of not less than 73,100 and not more than 73,300 as shown by the preceding Federal census is hereby authorized and empowered when in its judgment it may be deemed advisable, to purchase not exceeding two automobiles for the use of the county tax assessor of said county to be used by him while actually engaged in the discharge of his official duties, and to keep said cars in repair; provided the purchase price of any one automobile shall not exceed \$1000, and provided further that not more than two automobiles shall be purchased during any two years, except in the case of unavoidable destruction of the automobile or automobiles.

Sec. 2. Said county assessor shall make to the county auditor such reports as the auditor may deem necessary showing the cost of maintenance of said automobiles, and to determine the use to which said automobiles are being used. It shall not be lawful for any person or official to make any personal use of such automobile and should it be ascertained by the auditor or the commissioners court that said automobiles have been used for any purpose other than official business, the commissioners court or auditor shall ascertain the damage and expense thereof and the tax assessor shall be liable therefor for such an amount of damage or cost or expense as fixed by the commissioners court.

Sec. 3. Nothing herein shall repeal or

in any way affect any law with reference to the taking or requiring of bids.

Sec. 4. Said automobiles shall be suitably marked before placed in use by lettering on each side of the car with plain letters, not less than two inches in height showing the name..... County (naming the county) Tax Assessor.

Sec. 5. The fact that the county assessor of the counties named in this act is now put to great expense in furnishing conveyance for his employees taking assessments in said counties, and the inadequate transportation for employees now engaged in making assessments, and the importance of this legislation to the people of the counties named creates an emergency and an imperative public necessity requiring that the constitutional rule that bills be read on three several days be suspended, and said rule is suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

The amendment was adopted.

House bill No. 627 was then passed to engrossment.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has granted request of the House for the appointment of a free conference committee to adjust the differences on H. J. R. No. 7. The following are appointed as conferees on part of the Senate: Senators Hornsby, Small, Woodward, Wirtz, and Parrish.

The Senate has passed finally:

S. J. R. No. 3, Proposing to amend Section 5 of Article 4 of the Constitution of the State so as to provide that the Governor shall receive as compensation for his services an annual salary of twelve thousand (\$12,000.00) dollars, and no more, and providing for an election upon such proposed amendment and making an appropriation therefor.

H. B. No. 653, A bill to be entitled "An Act to amend Chapter 25 of the General Laws of the State of Texas, as passed by the Regular Session of the Thirty-ninth Legislature, as amended by Chapter 107 of the General Laws of the State of Texas, passed by the First Called Session of the Fortieth Legislature, in so far as such chapters apply

to counties having a population of not less than 10,000 nor more than 10,050; providing a legal method of abolishing water control and improvement districts created under such acts in counties having a population as above stated, and declaring an emergency."

Reconsidered, amended and passed finally:

H. B. No. 222, A bill to be entitled "An Act to amend Article 324 of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 23 of the General Laws of the Regular Session of the Fortieth Legislature of Texas, passed and approved February 12, 1927, relating to the appointment of assistant district attorneys in judicial districts consisting of more than one county, in which there is situated a city of twenty-eight thousand population or over, according to the last preceding United States census or any United States census which may hereafter be taken, so as to provide for the appointment of assistant district attorneys in such judicial districts in which there is situated a city of twenty-two thousand five hundred population or over, according to the last preceding United States census or any United States census which may hereafter be taken, and declaring an emergency."

Respectfully,

MORRIS C. HANKINS,  
Assistant Secretary of the Senate.

#### HOUSE BILL NO. 710 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 710, A bill to be entitled "An Act to amend Section 34.41.65 (so noted in the Revised Civil Statutes of Texas), Article 199, of Title 8, of the Revised Civil Statutes of Texas, changing the time of holding the terms of the district court of the Thirty-fourth Judicial District of Texas, and permitting the continuing of the terms of court in Hudspeth and Culberson counties by the court."

The bill was read second time.

Mr. McGill offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 710, page 1, by inserting immediately after the enacting clause the words "Section 1."

(2)

Amend House bill No. 710, page 3, by inserting before the paragraph "That all laws and parts of laws in conflict herewith are hereby repealed," the words "Section 2."

(3)

Amend House bill No. 710, page 3, by adding Section 3 thereto, reading as follows:

"Section 3. The importance of the act and the crowded condition of the calendar creates an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and the same is hereby suspended and that this act take effect and be in force from and after its passage, and it is so enacted."

(4)

Amend House bill No. 710 by inserting at end of caption the words, "and declaring an emergency."

The amendments were severally adopted.

House bill No. 710 was then passed to engrossment.

#### HOUSE BILL NO. 297 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 297, A bill to be entitled "An Act providing that all water control and improvement districts heretofore organized under the provisions of Chapter 3a, Title 128, Revised Civil Statutes of Texas, and or under the provisions of Chapter 3a, Title 128, Revised Civil Statutes of Texas, and the Acts of the Fortieth Legislature at the First Called Session amendatory thereof, and in the organization of which petitions were signed by more than fifty persons owning land within the boundaries of such district and on which petitions hearings were held by the commissioners court of the county in which such districts were situated and in which such court entered its order or judgment finding in favor of the petitioners for the creation and establishment of such districts and appointed a board of directors therefor, and in which districts elections have been held for the purpose of voting upon the confirmation of the organization of such districts and

the issuance of preliminary bonds of said districts and levying of a tax upon all taxable property in said districts for the purpose of paying such bonds at maturity and the interest thereon, and at which elections the confirmation of the organization of the districts received a majority of the qualified voters voting at said elections, the organization of such districts and the authorization for the issuance of preliminary bonds and the levy of a tax upon all property within such districts subject to taxation sufficient to pay said preliminary bonds and the interest thereon are hereby ratified, approved, confirmed and validated; all such water control improvement districts are hereby expressly declared to be validly created and organized; the board of directors of such districts shall have the power and are hereby expressly authorized to make and enter any and all orders and provisions necessary for the purpose of issuing and selling the preliminary bonds voted and authorized by said elections and are hereby expressly authorized to levy general ad valorem taxes on all taxable property situated in such districts at the time such preliminary bonds are issued, in amount sufficient to pay the interest on such preliminary bonds and the principal thereof as same mature, and the costs of assessing and collecting such taxes, and such preliminary bonds, when issued and delivered, shall be the general, direct and binding obligations of such districts so issuing same; it shall not be necessary to validate such preliminary bonds by suit in court or any other proceeding; and further providing that all such districts shall be water control and improvement districts under the provisions of Chapter 3a, Title 128, Revised Civil Statutes of Texas and the Acts of the Fortieth Legislature at the First Called Session amendatory thereof, and under the provisions of Section 59, of Article 16, of the Constitution of the State of Texas, and may incur indebtedness to fully carry out each and all of the purposes of its organization when such indebtedness has been, or may be hereafter authorized by a majority of the legally qualified property tax paying voters voting at an election for that purpose, and may levy taxes for the payment of its obligations and the maintenance and operation of such districts, and shall be governed by the provisions of the laws of the State of Texas applying to water



control and improvement districts except as otherwise herein provided, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### SENATE BILL NO. 493 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 493, A bill to be entitled "An Act amending an act creating the One Hundred and Tenth Judicial District of Texas, to be composed of the counties of Briscoe, Floyd, Motley and Dickens, which act was passed at this session of the Legislature, the same being Senate bill No. 85, so as to better provide for subpoenas, writs, process, bonds and recognizances issued prior to the taking effect of this act and validating and continuing the same, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### HOUSE BILL NO. 685 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 685, A bill to be entitled "An Act creating a special road law for Floyd county, Texas; requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the methods of said operation."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 542 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 542, A bill to be entitled "An Act to amend Chapter 215, Article 879a, as passed by the Regular Session of the Fortieth Legislature, providing for the regulation of the season in which white-winged doves may be hunted and killed."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 679 ON SECOND READING.

The Speaker laid before the House,

on its second reading and passage to engrossment,

H. B. No. 679, A bill to be entitled "An Act to amend Title 7, Article 190a, of the Revised Civil Statutes of the State of Texas, 1925, so as to add certain counties."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 692 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 692, A bill to be entitled "An Act providing a mode by which horses, mules, jacks, jennets, cattle, hogs, sheep and goats may be prevented from running at large in Limestone county."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 664 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 664, A bill to be entitled "An Act providing that in counties of not less than thirty-four thousand seven hundred and not more than thirty-five thousand inhabitants according to the 1920 Federal census, and having a tax valuation of not less than \$8,800,000 and not more than \$8,900,000, according to the approved tax rolls of 1928, the commissioners court may appoint a county auditor, and providing that said commissioners court shall have the power of removing said auditor so appointed."

The bill was read second time.

Mr. Brice offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 664 by striking out all below enacting clause and insert in lieu the following:

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 1646 of the Revised Civil Statutes of Texas, 1925, be, and the same is hereby amended so as to hereafter read as follows:

"Article 1646. When the commissioners court of a county, not mentioned and enumerated in the preceding article, shall determine that an auditor is a public necessity in the dispatch of the

county business, and shall enter an order upon the minutes of said court fully setting out the reasons and necessity of an auditor, and shall cause said order to be certified to the district judge having jurisdiction in the county, said judge shall, if such reason be considered good and sufficient, appoint a county auditor, as provided in the succeeding article, who shall qualify and perform all the duties required of county auditors by the laws of this State; provided, said judge shall have the power to discontinue the office of such county auditor at any time after the expiration of one year when it is clearly shown that such auditor is not a public necessity and his services are not commensurate with his salary received; provided, that in counties having a population of not less than 34,700 inhabitants, and not more than 35,000 inhabitants, according to the 1920 Federal census, and having a tax valuation of not less than \$8,800,000 and not more than \$8,900,000, according to the approved tax rolls of 1928, if the commissioners court thereof shall determine that an auditor is a public necessity in the dispatch of the county's business, such commissioners court may enter an order so stating and may appoint a county auditor, who shall qualify and perform all the duties required of county auditors in this State; and said commissioners court shall have the power to discontinue the office of such county auditor at any time that it is not a public necessity."

Sec. 2. The public importance of the purpose herein contemplated, creates an emergency and an imperative public necessity exists demanding that the constitutional rule requiring bills to be read on three several days in each house be suspended, and said rule is hereby suspended, and this act shall take effect and be in force from and after its passage, and it is so enacted.

(2)

Amend House bill No. 664 by striking out all above the enacting clause and insert in lieu the following:

"An Act amending Article 1646 of the Revised Civil Statutes of Texas, 1925, and providing that in counties of not less than 34,700 inhabitants, and not more than 35,000 inhabitants, according to the 1920 Federal census, and having a tax valuation of not less than \$8,800,000, and not more than \$8,900,000, according to the approved tax rolls

of 1928, the commissioners court may appoint a county auditor, and providing that said commissioners court shall have the power of removing said auditor so appointed, and declaring an emergency."

The amendments were severally adopted.

House bill No. 664 was then passed to engrossment.

#### HOUSE BILL NO. 554 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 554, A bill to be entitled "An Act to prohibit the hunting, trapping, ensnaring or killing of any wild deer, buck, doe or fawn within the limits of the county of Bastrop, State of Texas, for a period of five years from and after the passage of this act."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 535 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 535, A bill to be entitled "An Act to create Willacy County Water Control and Improvement District No. 1, embracing lands in the counties of Willacy and Hidalgo, in the State of Texas, as a conservation and reclamation district and body politic and corporate, under Section 59, Article 16, of the Constitution, and defining its boundaries."

The bill was read second time.

On motion of Mr. Hornaday, the bill was laid on the table subject to call.

#### HOUSE BILL NO. 259 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 259, A bill to be entitled "An Act to amend Article 7631 of the Revised Civil Statutes of Texas of 1925, providing for the regulating of elections to be held in water improvement districts and defining who are qualified voters in water improvement districts and authorizing the commissioners court to order the first election, create the proposed district into one or more election precincts, name the polling

places, appoint officers of election, providing for the preparation of ballots and the wording that shall be placed on such ballots, and to amend Article 7641, of said statutes, defining who shall be eligible to hold office in water improvement districts, and declaring an emergency."

The bill was read second time and was passed to engrossment.

Mr. Barnett moved a call of the House for the purpose of maintaining a quorum until 11:00 o'clock p. m. today and the call was duly seconded.

Question recurring on the motion of the call of the House, it was lost.

#### HOUSE BILL NO. 72 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 72, A bill to be entitled "An Act regulating the use of statement of facts on appeal from the county and district courts."

The bill was read second time.

Mr. Storey offered the following amendment to the bill:

Amend House bill No. 72 by striking out all above and below the enacting clause and insert in lieu thereof the following:

#### A BILL

#### To Be Entitled

An Act to amend Articles 2237, 2238, and 2239 of the 1925 Revised Civil Statutes of the State of Texas, providing for preparation of statement of facts and bill of exceptions.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2237 of the Revised Civil Statutes of 1925 be amended by adding thereto Section 2a, which added section shall immediately follow Section 2 of said article, and which said Section 2a shall read as follows:

"Section 2a. The ruling of the court upon the admission or exclusion of evidence may be shown by the official stenographer's transcript of the evidence or statement of facts in question and answer form, as provided in Article 2239, and no formal bill of exceptions to such ruling shall be required; provided, however, that the parties may, if they desire it, prepare and have approved and filed as otherwise provided by law a formal bill of exceptions to such ruling."

Sec. 2. That Articles 2238 and 2239 of the Revised Civil Statutes of 1925 be amended so as to hereafter read as follows:

"Art. 2238. When any party to any suit reported by any such reporter shall desire a transcript of the reporter's notes of the evidence in said suit, said party may apply for the same and such stenographer shall thereupon file an original and duplicate copy thereof in question and answer form among the papers of said cause, and it shall be made the duty of the court, if the transcript be found to be correct, to approve the same; provided, however, before approving the same, notice of the filing shall be given to the interested parties, who may make objections thereto, and any objections, if found to be material and well founded, shall be allowed. If said transcript is thus approved and signed by the judge, the same shall be filed among the papers of said cause, and become a record therein, but not to be recorded."

"Art. 2239. In case an appeal is taken from the judgment rendered in said cause, such original stenographer's transcript in question and answer form shall be sent up as the report of the testimony therein, the costs of such transcript paid by either party to be taxed against the party losing on such appeal; and (except as herein otherwise provided) no other record of said testimony shall be sent up on appeal; provided, any original documentary evidence, sketches, maps, plats, or other matters introduced in evidence and if identified in the stenographer's report, may be made a part of the record of said cause by written direction of the court, which may be sent up in the original form, if requested by either party to the suit, or transcribed by the clerk with other parts of the record therein, and may be returned to the trial court when the cause is disposed of by the appellate court; where such question and answer transcript is filed such reporter shall receive as compensation therefor the sum of 15 cents per hundred words for the original. Provided further, that the parties may, if they desire, prepare and have filed a statement of facts on appeal which shall be concisely written in narrative form, shall contain only the evidence of facts relating to questions of which review is sought, and shall omit repetitions by same witness, and all irrelevant parts of writing or written documents introduced in evidence; provided, the evidence in form

of questions and answers may be incorporated when necessary to elucidate a particular question presented for review, and provided further that documentary evidence and rulings in the admission or exclusion of evidence may be shown in said statement in like manner as above provided for in the reporter's notes. Failure to comply with the provisions of this act in the preparation of such statement of facts shall be ground in the appellate court for striking out and not considering such statement of facts. Provided, further, that all objections to the admissibility of testimony, if any, shown by said stenographic report or in said statement of facts and the ruling of the court thereon (whether said testimony be admitted or excluded by the court) shall be regarded and considered as though they were separate bills of exception, and no separate bill of exception shall be necessary; provided, however, nothing herein shall be construed as prohibiting parties from filing separate bills of exceptions as the law now provides. In case such parties elect to do so, and when done shall be prepared and filed as in other cases provided by law, but such election shall not be a waiver of their exceptions in the record."

Sec. 3. All laws and parts of laws in conflict herewith are hereby expressly repealed.

The amendment was adopted.

House bill No. 72 was then passed to engrossment.

#### HOUSE BILL NO. 716 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 716, A bill to be entitled "An Act regulating the salary of the sheriff or deputy sheriff waiting upon certain courts in counties of 210,000 or more population, according to the last Federal census; repealing conflicting laws."

The bill was read second time and was passed to engrossment.

Mr. McCombs moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### SENATE BILL NO. 279 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 279, A bill to be entitled "An Act to amend Chapter 59 of the Local and Special Laws enacted by the Thirty-fourth Legislature at its Regular Session, in 1915, as amended by Chapter 51, Special Laws, enacted by the Thirty-ninth Legislature at its First Called Session in 1926, same being a special road law for Wise county, by adding thereto Section 12b, authorizing the commissioners court of Wise county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof, and declaring an emergency."

The bill was read second time.

Mr. Woodruff offered the following amendment to the bill:

Amend Senate bill No. 279 by striking out in lines 3 and 4 of Section 12b, the words "Prior to March 1, 1929," and insert in lieu thereof the following: "In any sum not to exceed twenty-five thousand (\$25,000.00) dollars," and amend the caption to conform thereto.

The amendment was adopted.

Senate bill No. 279 was then passed to third reading.

#### HOUSE BILL NO. 391 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 391, A bill to be entitled "An Act to amend Article 842, Chapter 8, Title 22, Revised Civil Statutes of Texas, 1925, by embracing therein debentures issued by Federal intermediate credit banks under the provisions of the 'Agricultural Credit Act of 1923' and amendments thereto."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 518 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 518, A bill to be entitled "An Act providing for the open season on squirrels in certain counties; providing penalty, and declaring an emergency."

The bill was read third time.

Mr. Hines offered the following amendments to the bill:

(1)

Amend House bill No. 518 by adding thereto the counties of Mason, Cass, Bowie, Morris and Titus and Smith.

(2)

Amend House bill No. 518 by striking out the words "Titus county."

The amendments were adopted unanimously.

House bill No. 518 was then passed.  
(Speaker in the chair.)

#### HOUSE BILL NO. 676 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 676, A bill to be entitled "An Act to amend Section 25, Chapter 212, House bill No. 59, Acts of the Fortieth Legislature, Regular Session, 1927, repealing all laws and parts of laws in conflict."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 474 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 474, A bill to be entitled "An Act requiring every person, association or corporation, whether operating for charity or revenue, who shall own, conduct or manage a day nursery, children's boarding home or child-placing agency or other place for the care or custody of children under fifteen years of age, or who shall solicit funds in this State for such place or institution, to obtain an annual license from the State Board of Health, which license shall be issued without fee and under such rules and regulations as said board shall prescribe, requiring every such place or institution who shall place out or give to any person the care or custody of any such child, to keep and preserve a record of the full name, the actual or apparent age, and names and residence of the parents of such child so far as known, and the name and residence of the person with whom such child is placed."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 638 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 638, A bill to be entitled "An Act providing for a shrimp and oyster canner's license, manner of mak-

ing application, fees and form of license, tax on net weight of shrimp and oysters possessed and canned, inspection by Game, Fish and Oyster Commissioner or his deputies, form and manner of keeping records and making reports, suits for recovery of taxes or fees, disposition of taxes, fines and fees, and other regulations of the shrimp and oyster canning business, penalties, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 646 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 646, A bill to be entitled "An Act to amend Section 23 of Article 2092 of the Revised Civil Statutes of Texas, 1925, relating to the absence, sickness or disqualification of any district judge in any court controlled by said article, and providing for the election of a special judge in such court, and providing the manner of such election."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 462 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 462, A bill to be entitled "An Act to amend Articles 5473 and 5474, Chapter III, Title 90, of the Revised Civil Statutes of Texas of 1925, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### SENATE BILL NO. 347 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 347, A bill to be entitled "An Act amending House bill No. 299, Chapter 37, Acts of the Regular Session of the Thirty-fifth Legislature, 1917, amending Section 5 of said act; providing for the creation and appointment of the board of equalization for the Sinton Independent School District, established in San Patricio county, Texas, by said act of the Thirty-fifth Legislature; describing the qualifications for the members of said board

of equalization, fixing its powers and duties, and providing for compensation for the members of said board, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### HOUSE JOINT RESOLUTION NO. 7 WITH SENATE AMENDMENTS.

Mr. Petsch called up from the Speaker's table, with Senate amendments, for consideration of the amendments.

H. J. R. No. 7. Proposing an amendment to Section 5 of Article 4 of the Constitution of the State of Texas, fixing the salary of the Governor; providing for its submission to the voters of the State of Texas, as required by the Constitution, and making appropriation therefor.

The Speaker laid the resolution before the House, and the Senate amendments were read.

Mr. Petsch moved that the House do not concur in the Senate amendments, and that a free conference committee be requested to adjust the differences between the two houses on the resolution.

The motion prevailed.

#### HOUSE BILL NO. 146 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 146, A bill to be entitled "An Act validating certain defects in instruments pertaining to real estate after they have been of record for ten years or more, such defects validated being any defects in the execution, acknowledgment, recording or certificate of recording where not signed by proper officer of a corporation, where the seal of a corporation has not been impressed on instrument, where record does not show such seal or acknowledgment, where record does not show notary seal."

The bill was read second time.

Mr. Johnson of Dimmit offered the following (committee) amendments to the bill:

(1)

Amend House bill No. 146 by striking out all after the enacting clause, and inserting the following:

"Section 1. Every instrument of writing which is permitted or required by law to be recorded in the office of

the clerk of the county court, and which has been, or hereafter may be, so recorded, after being proved or acknowledged in the manner provided by the laws of this State in force at the time of its registration, or at the time it was proved or acknowledged, or every instrument which has been, or hereafter may be, actually recorded for a period of ten years in the book used by said clerk for the recording of such instruments, whether executed, proved or acknowledged in such manner or not, shall be admitted as evidence in any suit in this State without the necessity of proving its execution, provided, no claim adverse or inconsistent to the one evidenced by such instrument shall have been asserted during that ten years; provided, that the party to give such instrument in evidence shall file the same among the papers of the suit in which he proposes to use it at least three days before the commencement of the trial of such suit, and give notice of such filing to the opposite party, or his attorney of record; and unless such opposite party, or some other person for him, shall, within three days before the trial of the cause, file an affidavit stating that he believes such instrument of writing to be forged. Whenever any party to a suit shall file among the papers of the cause an affidavit stating that any instrument of writing, recorded as aforesaid, has been lost, or that he cannot procure the original, a certified copy of the record of any such instrument shall be admitted in evidence in like manner as the original could be; and after such instrument shall have been actually recorded as herein provided for a period of ten years, it shall be no objection to the admission of same, or a certified copy thereof, as evidence, that it has not been signed by the proper officer of any corporation; or that the corporate seal of the corporation has not been impressed on such instrument; or that the record does not show such corporate seal; or that the record does not show authority therefor by the board of directors and stockholders (or either of them) of a corporation; or that such instrument was executed and delivered by a corporation which had been dissolved or whose charter had expired, or whose corporate franchise had been canceled, withdrawn or forfeited; or that the executor, administrator, guardian, assignee, receiver, master in chancery, agent, or trustee or other

agency mentioned in such instrument, signed or acknowledged the same individually instead of in his representative or official capacity; or that such instrument is executed by a trustee without record of judicial or other ascertainment of the authority of such trustee or of the verity of the facts therein recited; or that the officer taking the acknowledgment of such instrument having an official seal did not affix the same to the certificate of acknowledgment; or that the notarial seal is not shown of record; or that the wording of the consideration may or might create an implied lien in favor of grantor (by this is not meant an express vendor's lien retained); and said instrument shall be given the same effect as if it were not so defective; provided that this act shall be cumulative of all other laws on this subject; and provided that if any portion of this act be declared unconstitutional the remaining portion shall not be affected thereby and shall remain in full force and effect.

Sec. 2. The fact that under the present law, there are numerous irregularities without merit in the instrument pertaining to real estate, resulting in confusion and loss of time, and that such condition of our realty records creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days, be suspended and said rule is hereby suspended and this act shall take effect and be in force from and after its passage and it is so enacted.

(2)

Amend House bill No. 145 by striking out all before the enacting clause and inserting the following:

A bill to be entitled "An Act providing for the admissibility in evidence of certain instruments, and providing that where such instrument has been and shall be of record for ten years, it shall be no objective to the admission of same in evidence that such instrument has certain specified defects, and declaring an emergency."

The amendments were severally adopted.

House bill No. 146 was then passed to engrossment.

#### HOUSE BILL NO. 456 ON SECOND READING.

The Speaker laid before the House,

on its second reading and passage to engrossment,

H. B. No. 456, A bill to be entitled "An Act to amend Article 5734 of the Revised Civil Statutes of Texas of 1925, so as to include a standard weight for green corn (roasting ears) per bushel, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 618 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 618, A bill to be entitled "An Act to provide for the nomination of water improvement districts to serve under the provisions of Chapter 2, Title 128, of the Revised Civil Statutes of Texas, 1925, and to repeal all laws in conflict therewith."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 474 ON PASSAGE TO ENGROSSMENT.

Mr. McGill moved to reconsider the vote by which House bill No. 474 was passed to engrossment.

The motion to reconsider prevailed.

On motion of Mr. McGill, further consideration of the bill was postponed at this time.

#### HOUSE BILL NO. 642 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 642, A bill to be entitled "An Act to accept the benefits and provisions of the Act of Congress authorizing the extension of Federal aid for construction of toll bridges on the highways included in the Federal system, under certain conditions and limitations, 44 United States Statutes, 1398, approved March 3, 1927, to empower the Highway Commission of Texas to co-operate with the Federal Bureau of Roads in the construction of such toll bridges under the provisions of said Act of Congress, including interstate bridges, to appropriate and use State highway funds for such purpose and to levy and collect such tolls and to authorize the Highway Commission to co-operate and join with the appropriate authorities of an adjoining State in the construction

of such bridges and in levying and collecting tolls and in carrying out the provisions of this act and the said Act of Congress, and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### SENATE BILL NO. 122 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 122, A bill to be entitled "An Act amending Articles 4282, 4283 and 4284, Chapter 12, Title 69, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, relative to the discharge of guardians of incompetents or habitual drunkards where such persons have been restored to their right minds or sober habits, by adding thereto a provision authorizing the court to adjudge such persons to be of sound mind or to be no longer habitual drunkards, as the case may be, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### HOUSE BILL NO. 346 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 346, A bill to be entitled "An Act to amend Article 5453 of the Revised Civil Statutes of Texas, 1925, relating to liens of mechanics, contractors, material men and laborers."

The bill was read second time and was passed to engrossment.

#### HOUSE BILL NO. 522 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 522, A bill to be entitled "An Act to amend Sections 1, 2, 3, 4, 5, 9, 12 and 13 of Chapter 88, General Laws of the First Called Session of the Fortieth Legislature of 1927, being 'An Act declaring unlawful the sale or offer for sale, transportation, preparation, receiving or delivery for transportation or marketing of citrus fruit that is immature, unripe, overripe, frost damaged or otherwise unfit for consumption and sale thereof declared to be a fraud upon the public; defining terms.'"

The bill was read second time and was passed to engrossment.

#### SENATE BILL NO. 123 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 123, A bill to be entitled "An Act amending Article 3325, Chapter 4, Title 54, of the Revised Civil Statutes of the State of Texas, adopted at the Regular Session of the Thirty-ninth Legislature, by adding thereto a provision authorizing the county courts of this State to grant letters of administration upon the estates of certain persons without regard to the date of death when such administration is necessary in connection with the receipt or recovery of moneys due by the United States of America, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 117 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 117, A bill to be entitled "An Act providing for the giving of notices of the United States Veterans' Bureau of the filing of all annual and other accounts and of all applications for the expenditure and investment of funds by guardians whose wards are beneficiaries of the United States Veterans' Bureau, and providing for collection of fees therefor, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### HOUSE BILL NO. 478 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 478, A bill to be entitled "An Act to amend Article 5160 of the Revised Statutes of 1925, as amended by the Act of 1927, First Called Session, page 114, Chapter 39, Section 1, and to provide that any person or persons or corporation entering into a formal contract with the State, or its counties, or school district, or other subdivisions thereof, or any municipality therein, for the construction of any public building or the prosecution and comple-



tion of any public work, shall be required, before commencing such work, to execute the usual penal bond, with the additional obligation that such contractor shall promptly make payment to all persons supplying him or them with labor and material in the prosecution of the work provided for in such contract."

The bill was read second time.

Mr. Purl offered the following amendment to the bill:

Amend House bill No. 478 by adding at the end of Section 1 the following: "Provided further, that after completion and acceptance of completed project all moneys due contractor under said contract shall be held by the State or its counties or school districts or other subdivision thereof or any municipality until such a time that satisfactory evidence is submitted and affidavits made by the contractor that all just bills for labor and material under this contract has been paid in full by the contractor," and amend caption to conform with the changes in the bill.

The amendment was adopted.

House bill No. 478 was then passed to engrossment.

#### HOUSE BILL NO. 400 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 400, A bill to be entitled "An Act amending Title 54, Chapter 8, of the Revised Civil Statutes of 1925, by adding Article 3393a, so as to provide that the county judge shall have the power and authority to decrease the amount of the bond of an executor or administrator."

The bill was read second time and was passed to engrossment.

#### RELATING TO HOUSE BILL NO. 391.

On motion of Mr. Morse, by unanimous consent, an amendment to the caption of House bill No. 391 was authorized.

#### HOUSE BILL NO. 583 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 583, A bill to be entitled "An Act to amend Articles 833 and 834 of the Penal Code of the State of Texas for 1925, so as to give the State High-

way Commission authority to forbid the use of roads and bridges under certain circumstances."

The bill was read second time and was passed to engrossment.

#### SENATE BILL NO. 355 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 355, A bill to be entitled "An Act amending Section 25 of Chapter 122, of the General Laws of the Regular Session of the Thirty-ninth Legislature, relating to tick eradication among live stock, so as to include Cherokee, Rusk, Panola and Nacogdoches counties in that territory in which systematic tick eradication work is carried on and provided for, the purpose of this act being to add said counties to that territory described in said act as being west of the Brazos river and north and west of a line described in the act as running from the northwest corner of Robertson county," etc.

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 285 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 285, A bill to be entitled "An Act amending Article 4584 of the Revised Civil Statutes of 1925, so as to repeal that portion of the law which prevents unclaimed dead bodies at certain eleemosynary institutions of this State from being turned over to the Anatomical Board of the State of Texas to be used in the advancement of medical science; the purpose of this act being to permit unclaimed dead bodies at certain State eleemosynary institutions to be used for such purposes, as provided in Chapter 13, of Title 71, of the Revised Civil Statutes of 1925, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### HOUSE BILL NO. 385 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 385, A bill to be entitled "An Act providing for patrolmen in counties of 210,000 or more population

according to the last United States census, in addition to deputy sheriffs now provided for by law, with power and authority to deputy sheriffs, whose duty it shall be to patrol the county outside of the county seat; better providing for the enforcement of the law in said counties by providing additional enforcement officers," etc.

The bill was read second time.

On motion of Mr. Keller, the bill was laid on the table subject to call.

#### SENATE BILL NO. 210 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 210, A bill to be entitled "An Act to amend Article 7332 of Chapter 10, Title 122, of the Revised Civil Statutes of the State of Texas of 1925, relating to fees in delinquent tax suits, and declaring an emergency."

The bill was read second time and was passed to third reading.

#### HOUSE BILL NO. 595 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 595, A bill to be entitled "An Act amending Chapter 4, Title 5, Code of Criminal Procedure of Texas, 1925, by adding thereto Articles 271a and 271b, authorizing certain corporations to execute bail bonds and recognizances, prescribing certain requisites to the execution of such bonds and recognizances."

The bill was read second time and was passed to engrossment.

#### SENATE BILL NO. 199 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 199, A bill to be entitled "An Act fixing the salary of official shorthand court reporters in judicial districts in counties having two or more full-time district courts in addition to transcript fees which such reporters receive under the law, and declaring an emergency."

The bill was read second time.

Mr. Pope of Jones offered the following amendments to the bill:

(1)

Amend Senate bill No. 199, page 1, line 21, by striking out the words "having" and "full time," and insert in lieu thereof "which alone constitutes" and "Judicial."

(2)

Also, in line 26, by striking out the word "having" and insert in lieu thereof "which alone constitute"; and line 27 strike out "full time" and "Courts," and insert in lieu thereof "Judicial Districts."

(3)

Amend the caption to read as follows: "An Act fixing the salary of official districts in counties which alone constitute two or more judicial districts, in addition to transcript fees, which such reporters receive under the law; and declaring an emergency."

The amendments were severally adopted.

Senate bill No. 199 was then passed to third reading.

#### SENATE BILL NO. 317 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 317, A bill to be entitled "An Act amending Articles 1595 and 1600 of the Revised Civil Statutes of 1925, as amended, providing that no county seat situated within five miles of the geographical center of any county shall be moved except by a vote of two-thirds of all the electors in said county voting on the subject, etc., and declaring an emergency."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 173 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 173, A bill to be entitled "An Act to amend Article 1320 of the Revised Civil Statutes of Texas of 1925, so as to authorize every private corporation to increase or diminish by vote of its stockholders, cast as its by-laws may direct, the number of its directors or trustees, such number, however, to be not less than three, and declaring an emergency."

The bill was read second time and was passed to third reading.

## SENATE BILL NO. 305 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 305, A bill to be entitled "An Act amending Article 6286, Chapter 2, Title 112, Revised Civil Statutes of the State of Texas, 1925, so as to change the provision of said article relating to the subject of change of general offices, machine shops, roundhouses, so as to include terminals."

The bill was read second time.

Mr. Keller offered the following (committee) amendments to the bill:

(1)

Amend the bill, Section 1, by adding just before the word "no" in line 2 of Article 6286 (6435) (4376) the following: "After the passage of this act."

(2)

Amend the bill, Section 1, by adding between the words "or" and "terminals" in line 3, Section 6286 (6435) (4376), the word "home."

(3)

Amend the bill, line 12, Article 6286 (6435) (4376), by striking out the word "or" between "shops" and "roundhouses," and substituting in lieu thereof a comma. Amend the bill further, same line and section, by inserting after the word "roundhouses" the words "or home terminals."

Amend caption to conform to the changes in amendments.

The amendments were severally adopted.

Senate bill No. 305 was then passed to third reading.

## HOUSE BILL NO. 208 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 208, A bill to be entitled "An Act to amend Section 9, Chapter 156, of the Acts of the Regular Session of the Fortieth Legislature, relating to the salaries, compensation, expenses and expenditures of administrative judicial districts, so as to have same hereafter paid by the respective counties of such districts in proportion to the number of weeks provided by law for holding dis-

trict court in said respective counties, and declaring an emergency."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 592 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 592, A bill to be entitled "An Act to amend Article 1435 of the Penal Code of Texas, 1925, as amended by Chapter 77, General and Special Laws of the First Called Session of the Fortieth Legislature, and Article 1435 of the Penal Code of Texas, 1911, relating to the transfer of second-hand or used vehicles and the recording of said transfers."

The bill was read second time.

Mr. Beck offered the following amendments to the bill:

(1)

Amend House bill No. 592 by striking out the word "five" in line 4, page 2, and substituting the word "fifteen."

(2)

Amend House bill No. 592 by striking out in lines 15 and 16 the words "the license receipt issued therefor the current year and."

The amendments were severally adopted.

House bill No. 592 was then passed to engrossment.

(Mr. Holder in the chair.)

## HOUSE BILL NO. 379 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 379, A bill to be entitled "An Act amending Title 49, Chapter 2, Section 11, of Article 2613, authorizing the Governor of the State of Texas to accept gifts of lands to the State to be held and administered as State forests, under the direction of the board of directors of the Agricultural and Mechanical College of Texas; providing that the conveyances of such property shall be upon such terms and conditions as may be agreed upon by the grantors of said property and the board of directors of the Agricultural and Mechanical College, to purchase lands to be used as State forests; providing that the form of all conveyances shall be sub-

mitted to the Attorney General for approval, and declaring an emergency."

The bill was read second time and was passed to engrossment.

(Speaker in the chair.)

#### RECESS.

On motion of Mr. McCombs, the House, at 11 o'clock p. m., took recess to 10 o'clock a. m. tomorrow.

#### APPENDIX.

#### STANDING COMMITTEE REPORTS.

The following committees have today filed favorable reports on bills, as follows:

State Affairs: Senate bill No. 209; Senate concurrent resolution No. 26; House bill No. 607.

Insurance: Senate bill No. 353.

Highways and Motor Traffic: House bills Nos. 612, 429, 430 and 538; Senate bills Nos. 336, 389, 483, 405 and 320.

Revenue and Taxation: House bills Nos. 495 and 194.

Education: Senate bill No. 517.

Common Carriers: House bill No. 654.

Game and Fisheries: House bills Nos. 668 and 679.

Military Affairs: House bill No. 674.

Judicial Districts: House bill No. 673.

Penitentiaries: Senate bill No. 309.

Eleemosynary Institutions: House bill No. 694.

School Districts: House bill No. 637.

Live Stock and Stock Raising: House bill No. 692.

The following committees have today filed adverse reports on bills, as follows:

Highways and Motor Traffic: Senate bills Nos. 448 and 157.

State Affairs: Senate bill No. 312.

#### REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,

Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 670. A bill to be entitled "An Act creating a more efficient road system for Nueces county, Texas; providing that the county commissioners

shall be road commissioners of their respective precincts, etc., and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 137, A bill to be entitled "An Act providing for the catching of sucker fish in the streams of Gin and Glade creeks, in Upshur county, Texas, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 313, A bill to be entitled "An Act declaring certain fur-bearing animals the property of the State of Texas, such as wild beaver, wild otter, wild fox, wild raccoon, wild badger, wild mink, wild ring-tail cat, wild polecat or skunk, wild opossum and wild civet cat, and protecting the same, etc., and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 699. A bill to be entitled "An Act creating a more efficient road system for Robertson county, Texas; vesting the commissioners court with authority to lay out, drain, repair and maintain such system of roads and make contracts therefor, etc., and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 477, A bill to be entitled "An Act prohibiting the shooting or killing of wild duck, geese, brant and other water fowl in Harrison, Marion and Cass counties, in the State of Texas, and upon or in the waters of Caddo Lake and its tributaries, located in said counties, at any time of the year whatsoever between the hours of 12 o'clock noon each day and sunrise of the following day, declaring the violation thereof to be a misdemeanor, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 686, A bill to be entitled "An Act authorizing the commissioners court of Hutchinson county to employ not more than two persons to be known as investigators to assist the district attorney in the investigation and prosecution of crime and in the discharge of his official duties; providing for their deputation, salaries and necessary expense and mode of discharge, and prescribing their duties, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 518, A bill to be entitled "An Act providing for the open season on squirrels in certain counties; providing penalty, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 696, A bill to be entitled

"An Act creating a more efficient road system for Bowie county, Texas, etc., and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 567, A bill to be entitled "An Act providing for the centralization of the Texas prison system; increasing the duties, powers and functions of the Texas Prison Board, and declaring an emergency,"

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 653, A bill to be entitled "An Act to amend Chapter 25 of the General Laws of the State of Texas, as passed by the Regular Session of the Thirty-ninth Legislature, as amended by Chapter 107 of the General Laws of the State of Texas, passed by the First Called Session of the Fortieth Legislature, in so far as such chapters apply to counties having a population of not less than 10,000 nor more than 10,050; providing a legal method of abolishing water control and improvement districts created under such acts in counties having a population as above stated, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

DeWOLFE, Vice-Chairman.

Committee Room,

Austin, Texas, February 22, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 641, A bill to be entitled "An Act creating a more efficient road system for Motley county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the

road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 681, A bill to be entitled "An Act creating a special road law for Karnes county, Texas, requiring surety bonds of road overseers, containing a provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 22, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 58, A bill to be entitled "An Act to amend Chapter 3 of Title 67 of the 1925 Revised Civil Statutes of the State of Texas, by adding thereto Article 4054a, to provide that sand and other deposits taken for the raising of the grade of the salt flats in the northern part of Corpus Christi and the lowlands lying north of the northern boundary line in the city of Corpus Christi, in Nueces county, Texas, and south of the boundary line of the town of Portland, in San Patricio county, Texas, shall be exempt from the provisions of said Title 67, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

Committee Room,

Austin, Texas, February 22, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 493, A bill to be entitled "An Act to prohibit the killing or taking of any doves and quail in Ellis, Hutchinson, Brown, Concho, Johnson, Foard, San Patricio, Travis, Anderson, Harrison, Atascosa, Frio, LaSalle, McMullen, Live Oak and Cooke counties, Texas, for a period of five years after the passage of this act, prescribing a penalty for violation, and declaring an emergency."

Has carefully compared same and find it correctly engrossed.

McCOMBS, Chairman.

#### REPORTS OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 16, "An Act to establish and maintain an agricultural experiment station in the blacklands region of Texas, authorizing the board of directors of the Agricultural and Mechanical College of Texas to select a suitable location for said station, and empowering said board of directors to establish and maintain the same, to accept donations of land, water and money for the establishment of said station, making an appropriation to pay the cost of establishing said station, and for the operation of same, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, January 29, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 18, "An Act creating the office of criminal district attorney in those counties which constitute three or more separate judicial districts within themselves in which there is not now a district attorney; providing that the present county attorney in those coun-

ties, who performs the duties of county and district attorney, shall qualify as criminal district attorney, remain in office and take the oath and give the bond required of district attorneys by the Constitution and laws of Texas, organize their forces and continue the work as criminal district attorney until their successors are elected and qualified."

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room.

Austin, Texas, January 25, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 23, "An Act to create Hidalgo County Water Improvement District No. 5, in Hidalgo county, Texas, into a water control and improvement district, without changing the name of said district; validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as a water improvement district under Article 3, Section 52, of the Constitution,"

Have carefully compared same and find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 26, "An Act making it unlawful for the fraudulent taking of cotton and cotton seed under the value of fifty (\$50.00) dollars; making the first offense a misdemeanor and the second and subsequent offenses a felony, and prescribing punishment therefor, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, January 29, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 44, "An Act to amend subdivision 32 of Article 199 of Title 8 of

the Revised Statutes of the State of Texas, 1925, to change and prescribe the terms and time for holding district courts of the 32nd Judicial District of the State, composed of Nolan, Scurry, Mitchell, Howard and Borden counties, giving additional time to Howard county, and to conform all writs and process from such courts to such changes and to make all writs and process issued or served before this act takes effect, including recognizances and bonds returnable to the term of the court in the several counties in said district as herein fixed and to validate the summoning of grand juries and petit juries and providing for the continuation of courts in session in said district when this act takes effect, to the end of its term, provided, that no grand jury shall be drawn for the two weeks' term of court to be held in Nolan county on the 24th Monday after the first Monday in January unless the judge of said court, in his discretion, shall order same, repealing all laws and parts of laws in conflict herewith, providing in case any provision of this act shall be held unconstitutional or invalid, then such holding shall not affect the remaining provisions, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 13, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 59, "An Act to amend Articles 4613 and 4614, Title 75, Chapter 3, of the Revised Statutes of the State of Texas, 1925, concerning the marital rights of parties, defining separate property of the husband and wife, exempting separate property of husband from debts contracted by the wife except for necessities furnished herself and children after her marriage with him, and from torts of the wife, giving husband management, control, and disposition of his separate property during marriage, providing that the wife shall have the sole management, control, and disposition of her separate property, provided that the joinder of the husband shall be necessary to a conveyance or encumbrance of the wife's lands, bonds, and stocks, repealing all laws and parts of laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room.

Austin, Texas, January —, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 106, "An Act amending Article 2104 of the Revised Civil Statutes of the State of Texas, as recodified and adopted at the Regular Session of the Thirty-ninth Legislature, 1925 relating to the appointment of jury commissioners to select petit jurors; providing for their compensation; prescribing their qualifications; and providing that the number appointed shall not be less than three and not more than five, in the discretion of the district judge, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, January 30, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 120, "An Act to amend Article 2547 (2443), Chapter 2, Title 47, Revised Civil Statutes of the State of Texas, being Chapter 129, pages 197 to 199, inclusive, of the General Laws of the State of Texas, passed by the Fortieth Legislature at the Regular Session, which article and chapter provides for the making of bonds for the securing of county deposits, declaring who may make such bonds, and the amount and character of the security that may be accepted by the commissioners court to secure such deposits; and further providing that any banking corporation, association or individual banker, selected as a county depository may, in lieu of the execution of a bond, pledge and deposit with the commissioners court United States bonds, certificates of indebtedness of the United States, bonds of the State of Texas, and of any county, city, town, independent school district, common school district, or bonds issued under the Federal Farm Loan Act, or road district bonds; and further providing for the increase or the reduction of the securities so pledged or for substitution of such securities; and further providing

for venue of suits on bonds, and for penalty for depositing or receiving deposits where sufficient security has not been pledged; and which amendment to said Article 2547 (2443) being Chapter 129 of the General Laws of the State of Texas, passed by the Fortieth Legislature at the Regular Session, providing for the execution of bonds for securing county deposits; providing who may make such bonds, the manner in which such deposits shall be secured, the amount of such bonds, and providing that any banking corporation, association or individual banker selected as county depository may in lieu of the execution of a bond, pledge and deposit with the commissioners court United States bonds, certificates of indebtedness of the United States, bonds of the State of Texas, or of any county, city, town, independent school district, common school district, or bonds issued under the Federal Farm Loan Act, or road district bonds; and providing for the increase or reduction of the securities so pledged, or for substitution of such securities, and providing for venue of suits on bonds; and further providing for the filing of financial statements by sureties on personal bonds, and the investigation of the solvency of sureties and surety companies, as well as of the value of securities pledged in lieu of personal bonds, and for the making of a new bond or bonds as deemed necessary, and to repeal all laws and parts of laws, either civil or penal, in conflict herewith, including that part of said Article 2547 (2443), being Chapter 129 of the General Laws of the State of Texas passed by the Fortieth Legislature at the Regular Session, in and by which a penalty is imposed on persons depositing with or paying into any depository, or accepting any such deposit or payments without first having ascertained that such county depository has pledged and in the hands of the commissioners court for the purpose of securing such county funds, the required amount of the securities of the kind permitted by law; the said penal part of said article being carried as Article 425a of the Penal Code, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room.

Austin, Texas, February 4, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.



Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 127, "An Act to create the One Hundreth and Eleventh Judicial District of Texas and to give such court concurrent jurisdiction with the district court of Webb county, Texas, in and for the Forty-ninth Judicial District of Texas, in all civil and criminal cases; to provide a clerk for said courts and the transfer to said One Hundred and Eleventh district court of certain cases now pending in the Forty-ninth district court; to designate the character of cases to be filed in said court after its organization, the manner of filing and numbering suits in both of said courts and keeping file dockets therein; to provide that the sheriff and other officers of Webb county shall perform certain duties with reference to said court and for appointment of a shorthand reporter for said court; to provide that the district attorney of the Forty-ninth Judicial District shall, in addition to his present duties, prosecute all criminal cases in said court and represent the State in all cases therein where the State is a party and providing for fees for such service; to provide that all process and writs issued or served and recognizances, bonds and undertakings entered into before this act takes effect and made returnable to the Forty-ninth district court shall, in cases that are transferred to the One Hundred and Eleventh district court, be considered as returnable to the One Hundred and Eleventh district court and legalizing the same; to provide that the judge of each court may in his discretion, in term time or vacation, transfer cases from their respective courts to the other of such courts and that the judge of either court may sit in such other court to enter orders of transfer where the judge of such court has certified his disqualification in any case; to provide for the appointment of a judge of the One Hundred and Eleventh district court by the Governor of this State; to declare the purpose of this act and that if any section or part section thereof should be held unconstitutional, that fact shall not affect the validity of the other sections of this act; to repeal all laws in conflict with this act and to declare an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,  
Austin, Texas, February 7, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 175, "An Act to create Cameron County Drainage District Number Four, in Cameron county, Texas, validating and approving all orders made by the commissioners court of said county in respect to the original organization of said district as a drainage district under Article 3, Section 52, of the Constitution; validating and approving all orders made by the commissioners court of said county in converting said district without change of name or impairment of obligations to a conservation and reclamation district under Section 59, of Article 16, of the Constitution of the State of Texas,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,  
Austin, Texas, February 7, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 174, "An Act validating the creation and organization of San Benito Cameron County Drainage District Number Three, in Cameron county, Texas, as originally created and organized under Article 3, Section 52, of the Constitution of the State of Texas, and validating the bonds heretofore issued by said district and the contracts made and indebtedness incurred by it; defining its boundaries; providing that said district shall be and is converted and created a conservation and reclamation district under Section 59 of Article 16 of the Constitution of the State of Texas and the general laws not inconsistent therewith,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,  
Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 319, "An Act to amend Chapter 42 of the Acts of the Thirty-

ninth Legislature, passed at its Regular Session, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room.

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 340, "An Act creating a more efficient road system for Hemphill county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof, etc., and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room.

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 383, "An Act creating a more efficient road system for Dickens county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department in the establishment, construction and maintenance of roads, bridges and culverts to be paid for partly by the county and partly by the State or Federal government; authorizing the commissioners court of Dickens county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and

bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceeding within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room.

Austin, Texas, February 9, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 459, "An Act to create Hidalgo County Water Control and Improvement District No. 6, in Hidalgo county, Texas; validating and approving all orders made by the commissioners court of said county in respect to the organization of said district; validating and approving the election held in said district on March 21, 1927, for the confirmation of the formation of said district and the issuance of \$50,000 in preliminary bonds and the levy of a tax in payment thereof; validating and approving the election held within said district on August 27, 1927, for the issuance of bonds in an amount not to exceed \$1,600,000, and levying of tax in payment thereof; evidencing proof of the publication of constitutional notice required in such cases, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room.

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 506, "An Act to amend Chapter 74 of the Local and Special Laws enacted by the Thirty-ninth Legislature at its Regular Session, approved March 7, 1925, same being a special road law for Denton county, by adding thereto Section 19a, authorizing the commissioners court of Denton county to issue bonds of said county for the purpose of funding or refunding indebt-

edness incurred for road and bridge purposes, and to levy a tax in payment thereof, and providing that if the validity of the indebtedness to be funded by such bonds is not questioned in any suit or proceedings within sixty days from the adoption of the order of the commissioners court authorizing the issuance of such bonds, then such indebtedness shall be conclusively presumed to be valid."

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 556, "An Act amending subdivision 25 of Article 199, Title 8, of the Revised Civil Statutes of Texas, 1925, providing for changing and prescribing terms and times of holding courts in the Twenty-fifth Judicial District of Texas; validating and continuing all processes and writs, bonds and recognizances, and making them returnable to the term of court in the several counties in said district as herein fixed; to validate the summoning of grand and petit jurors under the present law so as to render them available under the present act, and inserting subdivision 25a, providing for additional compensation for the official shorthand reporter of the Twenty-fifth Judicial District; to repeal all laws and parts of laws in conflict herewith, and providing time for this act to take effect; and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 562, "An Act creating a more efficient road system for Jeff Davis county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 584, "An Act validating all orders, judgments, and proceedings of the County Court at Law for Eastland county,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 588, "An Act amending subdivision 63 of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, and providing for an additional term of court for Val Verde county; and providing time for this act to take effect, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 624, "An Act to amend Chapter 39 of the Local and Special Laws enacted by the Thirty-second Legislature at its Regular Session, convened on January 10, 1911, and adjourned on March 11, 1911, and approved on March 13th, 1911, the same being a special road law for Fisher county, Texas, by adding thereto Sections 15 and 16 authorizing the commissioners court of Fisher county to issue bonds of said county for the purpose of funding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 633, "An Act to amend Section 7 of the Collin county road law, the same being Chapter 79 of the Acts of the First Called Session of the Fortieth Legislature, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,  
Austin, Texas, February 9, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. J. R. No. 6, Proposing an amendment to the Constitution of the State of Texas providing for a Supreme Court of nine members, and for continuous session of that court,

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,  
Austin, Texas, January 30, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 9, Providing for the investigation of the State Highway Department and the Board of Control of the State of Texas, and the administration thereof by a joint committee of the Senate and House of Representatives of the State of Texas appointed therefor, and defining the powers and duties of said committee and make the appropriation for mileage and per diem and contingent fund for the payment of the expenses of said committee,

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,  
Austin, Texas, February 9, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 12, Providing for a committee to investigate the purchase of land for the State Juvenile Training School at Gatesville, Texas,

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 6, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 16, That the Senate, at the request of the House of Representatives, return Senate concurrent resolution No. 14 for reconsideration,

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,  
Austin, Texas, February 9, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 17, Resolved that the House of Representatives request the Senate to return to the House for further consideration Senate concurrent resolution No. 19,

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,  
Austin, Texas, February 21, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 20, Recalling Senate bill No. 37 from the Governor for the purpose of amendment,

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,  
Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 443, "An Act to amend Chapter 86 of the Local and Special Laws enacted by the Thirty-fifth Legislature at its Regular Session in 1917, same being a special road law for Morris county, by adding thereto Section 27a, authorizing the commissioners court of Morris county to issue bonds of said county for the purpose of funding or refunding indebtedness incurred for road and bridge purposes and to levy a tax in payment thereof,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 20, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 473, "An Act making an appropriation to pay the mileage and per diem of the Presidential Electors of Texas for the year 1929, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 9, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 231, "An Act amending Chapter 255 of the Acts of the Fortieth Legislature at its Regular Session, by providing that the counties of Dawson, Borden and Howard shall be a part of the Eleventh Supreme Judicial District, and removing said counties from the Eighth Supreme Judicial District, and providing for the appeal of cases from Dawson, Borden and Howard counties to the Court of Civil Appeals for the Eighth Supreme Judicial District prior to September 1, 1929, and for the appeal of cases from Dawson, Borden and Howard counties to the Court of Civil Appeals for the Eleventh Supreme Judicial District subsequent to September 1, 1929, by providing that Hood county shall be a part of the Second Supreme Judicial District and by removing same from the Tenth Supreme Judicial District and providing for appeals from said county,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 6, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 274, "An Act to amend Article 955, Revised Criminal Statutes, 1925, by exempting Hunt and Rains

counties from the provisions thereof, and declaring an emergency."

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, January 24, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 338, "An Act providing for a more expeditious manner of ascertaining the returns of any special election held for the office of Representative or Senator in any district, and providing for the early making of returns therefrom and an immediate issuance of a certificate of election and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 6, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 12, "An Act to amend Article 7125 of the Revised Civil Statutes of 1925 so as to exempt estates upon which inheritance taxes have been levied within five years from date of second passage of said estates, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, January 30, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 21, "An Act providing for expense account for constable in certain counties to be allowed and paid out of the general fund of the county, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,

Austin, Texas, February 9, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 213, "An Act amending Section 1 of Chapter 22 of the Acts of the Fortieth Legislature, First Called Session, by changing the term and time of holding district court in the county of Cochran, in the Seventy-second Judicial District of Texas, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,  
Austin, Texas, February 13, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 46, "An Act amending Article 3386 of the Revised Statutes of 1925, as amended 1927, providing for the amount of bonds of executors and administrators, and amending Article 3576 of the Revised Civil Statutes of Texas of 1925 so as to require executors and administrators to give bond when selling real estate belonging to the estate of decedents, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

Committee Room,  
Austin, Texas, January 31, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. B. No. 48, "An Act to amend subdivision 3 of Article 3926, Revised Statutes, 1925, relating to the payment of salary to the county judge by the commissioners court for presiding over said court, ordering elections, making returns thereof, hearing and determining civil causes, and transacting all other official business, by providing that in counties having \$290,000,000 assessed valuation, or more, and which have established therein institutions for the care of dependents and delinquent boys and girls, the county judge shall receive the further sum of \$3000 per annum which shall be ex-officio and not to be accounted for as fees of office, but in addition to all amounts allowed under the maximum fee bill, and declaring an emergency,"

Have carefully compared same and find it correctly enrolled.

LONG of Houston, Chairman.

## THIRTY-FIRST DAY.

(Continued.)

(Friday, February 22, 1929.)

The House met at 10 o'clock a. m., and was called to order by Speaker Barron.

## SENATE BILLS AND RESOLUTION ON FIRST READING.

The following Senate bills and resolution, received from the Senate today, were laid before the House, read severally first time and referred to the appropriate committees, as follows:

Senate joint resolution No. 3, to the Committee on Constitutional Amendments.

Senate bill No. 23, to the Committee on Education.

Senate bill No. 86, to the Committee on Agriculture.

Senate bill No. 318, to the Committee on Criminal Jurisprudence.

Senate bill No. 349, to the Committee on State Affairs.

Senate bill No. 364, to the Committee on State Affairs.

Senate bill No. 374, to the Committee on Game and Fisheries.

Senate bill No. 380, to the Judiciary Committee.

Senate bill No. 390, to the Committee on Appropriations.

Senate bill No. 434, to the Committee on Conservation and Reclamation.

Senate bill No. 446, to the Committee on Public Lands and Buildings.

Senate bill No. 477, to the Committee on Common Carriers.

Senate bill No. 481, to the Committee on Highways and Motor Traffic.

Senate bill No. 482, to the Committee on Agriculture.

Senate bill No. 485, to the Committee on State Affairs.

Senate bill No. 524, to the Committee on Highways and Motor Traffic.

Senate bill No. 527, to the Committee on Highways and Motor Traffic.

Senate bill No. 529, to the Committee on Highways and Motor Traffic.

Senate bill No. 536, to the Committee on Education.

Senate bill No. 569, to the Judiciary Committee.

Senate bill No. 376, to the Judiciary Committee.

# CONFERENCE COMMITTEE REPORT ON HOUSE BILL NO. 248.

The Speaker laid before the House, for consideration at this time, the following conference committee report:

Hon. Barry Miller, President of the Senate, and Hon. W. S. Barron, Speaker of the House of Representatives.

Gentlemen: Your conference committee, appointed by your respective bodies, to consider House bill No. 248, have had said bill under consideration and beg leave to report the following agreement:

We recommend that Senate amendments Nos. 1, 2, 3, 4 and 5 be adopted, and that the following counties be added to the original bill after the word "Hays," in Section 1 thereof: Blanco, Wise, Cooke, Montague, Fort Bend.

We further recommend that Senate amendment No. 6 be rejected.

GILBERT,  
WOODALL,  
GRAVES of Williamson,  
MAURITZ,  
WOODRUFF,

On the part of the House.  
HOLBROOK,  
MARTIN,  
HYER,  
PARR,  
STEVENSON,

On the part of the Senate.

On motion of Mr. Gilbert, the report was adopted.

# HOUSE BILL NO. 92 WITH SENATE AMENDMENTS.

Mr. Sherrill called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 92, A bill to be entitled "An Act making it lawful for the commissioners courts of Clay, Archer, Baylor and Young counties to pay out of the general fund of such counties bounties for the destruction of predatory animals."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Sherrill, the House concurred in the Senate amendments.

# BILLS ORDERED NOT PRINTED.

On motion of Mr. Baker, House bill No. 706 was ordered not printed.

On motion of Mr. Murphy, House bills Nos. 704, 707 and 712 and Senate bill No. 448 were ordered not printed.

On motion of Mr. Metcalfe, Senate bill No. 366 was ordered not printed.

# LEAVE OF ABSENCE GRANTED.

Mr. Rogers (by unanimous consent) was granted leave of absence for yesterday on account of illness, on motion of Mr. Kennedy.

# CONGRATULATING HON. JOHN A. LONG.

Mr. Turner offered the following resolution:

Whereas, There was born to Mr. and Mrs. John A. Long a son at 2 o'clock a. m. this the 22nd day of February, A. D. 1929, at Crockett, in Houston county, Texas; and

Whereas, Our fellow-member, the Hon. John A. Long of Houston county, is now at home with the said John A. George Washington Long, Jr.; now, therefore, be it

Resolved, by the House of Representatives of this the Forty-first Legislature, That we send the congratulations and best wishes of the membership of the House to Mr. and Mrs. John A. Long and young John A. Jr., or George Washington, as he may be christened, and we wish for the speedy recovery of the Hon. John A. Long, Sr., and that he will soon be able to return to his labors here at the Capitol, and that the Chief Clerk forward a copy of this resolution by wire to the Hon. and Mrs. John A. Long at Crockett, Texas.

Signed—Turner, Palmer, Pope of Nueces, Murphy.

The resolution was read second time and was adopted.

# RELATING TO HOUSE BILL NO. 518.

On motion of Mr. Murphy, by unanimous consent, it was ordered that Polk county be added to the provisions of House bill No. 518.

# HOUSE BILL NO. 63 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 63, A bill to be entitled "An Act to amend Article 6869 of the Revised Civil Statutes of the State of Texas of 1925, by adding: 'Provided, that no deputy appointed by the sheriff of any county shall be authorized or permitted to serve any civil process in any civil case where any of the parties

have him employed or pay him any compensation for other services; and declaring an emergency."

The bill was read second time.

Mr. Williams of Travis offered the following amendment to the bill:

Substitute for House bill No. 63:

H. B. No. 375. By Snelgrove.

# A BILL

## To Be Entitled

An Act to prohibit justices of the peace, sheriffs, constables and other peace officers from taking for collection any claim for debt except by the process of law prescribing the duties of such officers, and prescribing a penalty.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any justice of the peace, sheriff, constable or other peace officer in this State who shall receive for collection or undertake the collection of any claim for debt for others except under and by virtue of the processes of law prescribing the duties of such officers, or who shall receive compensation therefor except as prescribed by law, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than two hundred dollars nor more than five hundred dollars, and in addition to such fine may be removed from office; provided, however, that nothing herein shall be construed to prohibit any justice of the peace who is authorized by law to act for others in the collection of debts from undertaking such collections where the amount is beyond the jurisdiction of the justice court.

Sec. 2. All laws and parts of laws in conflict herewith are hereby repealed.

The amendment was adopted.

House bill No. 63 was then passed to engrossment.

## RELATING TO PROPER USE OF CERTAIN FARM PRODUCTS.

The speaker laid before the House, for consideration at this time,

Senate concurrent resolution No. 26, Relating to use of farm products at State institutions.

The resolution having heretofore been read second time and referred to the Committee on State Affairs.

Question recurring on the resolution, yeas and nays were demanded.

The resolution was adopted by the following vote:

Yeas—104.

Mr. Speaker.	Martin.
Acker.	Mauritz.
Ackerman.	Maynard.
Adkins.	McKean.
Baker.	Mehl.
Baldwin.	Montgomery.
Barnett.	Moore.
Bateman.	Mosely.
Bond.	Murphy.
Brice.	Negley.
Brooks.	Olsen.
Carpenter.	O'Neill.
Chastain.	Palmer.
Coltrin.	Patterson.
Conway.	Pavlica.
Cox of Limestone.	Petsch.
Davis.	Pope of Jones.
DeWolfe.	Pope of Nueces.
Duhlap.	Prendergast.
Enderby.	Quinn.
Ewing.	Ray.
Eickenroht.	Reader.
Finn.	Renfro.
Forbes.	Richardson.
Gates.	Rogers.
Gerron.	Rountree.
Gilbert.	Sanders.
Giles.	Savage.
Graves	Shaver.
of Williamson.	Shelton.
Hardy.	Sherrill.
Harman.	Simmons.
Harper.	Sinks.
Harrison.	Snelgrove.
Heaton.	Speck.
Hefley.	Stephens.
Hines.	Storey.
Holder.	Strong.
Hubbard.	Tarwater.
Jenkins.	Thompson.
Johnson	Turner.
of Dimmit.	Veatch.
Johnson of Smith.	Waddell.
Johnson of Scurry.	Wallace.
Justiss.	Walters.
Kayton.	Westbrook.
Kemble.	White.
Kennedy.	Williams
Kincaid.	of Sabine.
King.	Williams
Land.	of Travis.
Lee.	Woodall.
Long of Wichita.	Woodruff.
Mankin.	Young.

Nays—1.

Absent.

Albritton.

Anderson.	Finlay.
Beck.	Graves of Erath.
Bounds.	Harding.
Bradley.	Hogg.
Cox of Navarro.	Hopkins.
Duvall.	Hornaday.



Jones.	Morse.
Keeton.	Mullally.
Keller.	Pool.
Kinnear.	Purl.
Lemens.	Shipman.
Long of Houston.	Smith.
Loy.	Stevenson.
McCombs.	Thurmond.
McDonald.	Van Zandt.
McGill.	Warwick.
Metcalfe.	Wiggs.
Minor.	

Absent—Excused.

Avis.	Reid.
Cox of Lamar.	Tillotson.
Fuchs.	Webb.
Kenyon.	Williams
Nicholson.	of Hardin.

#### HOUSE BILL NO. 608 WITH SENATE AMENDMENTS.

Mrs. Moore called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 608, A bill to be entitled "An Act granting to cities located in any county of this State of less than 100,000 inhabitants according to the United States census of 1920 and which county contains a city of more than 43,000 inhabitants according to said census the right to execute leases not to exceed a period of ninety-nine years on islands, flats and submerged lands heretofore granted by the State of Texas or the Republic of Texas to such cities."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mrs. Moore, the House concurred in the Senate amendments.

#### BILLS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bills:

S. B. No. 51, "An Act making it unlawful for the taking of any chicken, turkey, duck, goose, guinea or other domestic fowl; making such offense a felony; prescribing punishment therefor; and declaring an emergency."

S. B. No. 336, "An Act creating a more efficient road system for Bell county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county

under the direction of the commissioners court, etc., and declaring an emergency."

S. B. No. 75, "An Act to amend Articles 4513, 4514, 4516, and 4523, Chapter 7, Revised Statutes of Texas of 1925, providing for the appointment of a Board of Nurse Examiners; prescribing their qualifications and duties; providing how meetings of said board shall be called; providing for the appointment of an educational secretary and prescribing her qualifications and duties; and providing for the issuance of temporary permits to graduate nurses under certain conditions, and prescribing the fee to be paid therefor."

S. B. No. 80, "An Act to amend Article 2095, Chapter 7, Title 42, of the Revised Civil Statutes of the State of Texas of 1925, so such article shall provide for the compiling of jury cards for the jury wheel in counties of over 150,000 population, placing such compiling under the supervision of the district clerk and providing funds for the employment of typists for compiling and other expenses necessary."

S. B. No. 114, "An Act to amend Article 2529 of Chapter 1, Title 47, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 57 of the Acts of the First Called Session of the Fortieth Legislature, relating to the collateral security to be pledged by the depositories for securing State funds, by depositing a depository bond with the State Treasurer or by pledging with the State Treasurer bonds and certificates of indebtedness of the United States, obligations and pledges of the University of Texas, bonds issued by banks organized under the Federal Farm Loan Act located in Texas, bonds of counties, independent school districts, and common school districts located in Texas, and bonds issued by municipal corporations in Texas, and declaring an emergency."

S. B. No. 30, "An Act to repeal Article 28 of the Revised Civil Statutes of the State of Texas of 1925, relating to the publication in newspapers of legal notices and amending Article 3334 of the Revised Civil Statutes of the State of Texas of 1925, as amended by the Acts of the Fortieth Legislature of the State of Texas in Chapter 81 of the Session Laws thereof, so as to eliminate that portion of said article reading as follows, to wit: 'provided if publication of such citation be made as provided by Article 28, Revised Civil Statutes of 1925, such publication shall be sufficient

service of citation without posting said notices,' and declaring an emergency."

S. B. No. 49, "An Act to create the State Board of Pharmacy; providing for its appointment, terms and tenure of office and its members; defining its duties and powers; and to regulate the practice of pharmacy, and providing for the licensing of pharmacists and regulating the distribution, compounding and sale of medicines, drugs, chemicals and poisons in the State of Texas; defining the terms pharmacist, pharmacy, drug store, and board; providing penalties, and repealing all existing laws in conflict herewith, and declaring an emergency."

S. B. No. 266, "An Act creating a more efficient road system for Dickens county, Texas; providing that the county commissioners shall be road commissioners of their respective precincts; providing that such commissioners shall have charge of the road teams, tools, machinery and appliances of said county under the direction of the commissioners court; providing for the laying out, establishment and construction of roads, bridges and culverts, and for the repair and maintenance thereof; providing that the commissioners court shall co-operate with the State Highway Department," etc.

S. B. No. 306, "An Act creating a special road law for Crosby county, Texas, requiring surety bonds of road overseers, containing provision that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929, setting forth the method of said operation, and declaring an emergency."

S. B. No. 159, "An Act providing that all conservation and reclamation districts organized under the provisions of Chapter 8, Title 128, Revised Civil Statutes of Texas, and of Chapter 2, Title 128, Revised Civil Statutes of Texas, under the name of water improvement districts, and in the organization of which petitions were signed by more than fifty persons and such petitions were filed in the month of September, 1926; and on which petitions hearings were held by the county commissioners court in the month of October, 1926, and in pursuance of which said courts entered their orders or judgments finding in favor of the petitioners for the establishment of such districts, and elections were held for the purpose of

voting upon the organization of such districts, and the issuance of notes by such districts, such elections being held in the month of November, 1926, and at which elections the organizations of the districts and the issuance of notes received a two-thirds majority of the votes cast, and in which elections directors were elected for such districts, all such proceedings and the organization of such districts and the orders of the county commissioners courts organizing such districts, and the authorization for the issuance of notes of such districts are hereby ratified, validated, approved and confirmed," etc.

S. B. No. 128, "An Act relating to the duties of the county board of trustees of public schools in this State in all counties having an area of not more than one thousand seventy-five (1075) square miles and not less than nine hundred thirty (930) square miles, and a population of not less than thirty-four thousand three hundred (34,300) and not more than thirty-four thousand five hundred (34,500) according to the 1920 Federal census, authorizing them to condemn land for school purposes, to subdivide their respective counties into convenient school districts, to increase or reduce the area of independent and common school districts, create additional districts, consolidate two or more adjacent districts, subdivide said districts, revise or rearrange the boundaries of any district, attach territory thereto or detach territory therefrom and to adjust the district properties and bonded indebtedness against such districts and detached or added territory upon a just and equitable basis, providing a method of apportioning school funds to the respective districts and providing for the election of the county board of school trustees; providing other matters and things necessary and incidental to the main purpose and subject of this act, whether mentioned in detail in this caption or not; and repealing all laws, general or special, in conflict therewith; and declaring an emergency."

S. B. No. 483, "An Act creating a special road law for Cherokee county, Texas; requiring surety bonds of road overseers; containing provisions that said county may fund the legal indebtedness outstanding against its road and bridge fund as of January 1, 1929; setting forth the method of said operation, and declaring an emergency."

## SENATE BILL NO. 130 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 130, A bill to be entitled "An Act providing for nine members of the Board of Regents of the State Teachers Colleges instead of six members; and declaring an emergency."

The bill was read second time and was passed to third reading.

## HOUSE BILL NO. 606 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 606, A bill to be entitled "An Act for the relief of railway corporations having charters granted or amended since the first day of January, 1892, and which have failed or are about to fail to construct their roads and branches, or any part thereof, within the time required by law."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 552 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 552, A bill to be entitled "An Act validating the appointment of guardians when citation was published, as provided in Chapter 179, Acts Regular Session, 1917, being now Article 28 of the Revised Civil Statutes of Texas, 1925, and where such citation was not published as provided in Article 4115 of the Revised Civil Statutes of Texas, 1925."

The bill was read second time and was passed to engrossment.

## HOUSE BILL NO. 364 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 364, A bill to be entitled "An Act to amend Article 1313 of the Revised Civil Statutes of 1925, so as to eliminate unnecessary duplication and expense in the filing and preserving of charters of corporations."

The bill was read second time and was passed to engrossment.

## SENATE BILL NO. 309 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 309, A bill to be entitled "An Act providing for the sale by the Texas Prison Board of 5.72 acres of land adjoining the Imperial State farm to Benjamin Clayton; regulating the manner, terms and price of the sale; authorizing and empowering the Texas Prison Board to make the sale, and authorizing the chairman or vice-chairman to execute a deed of conveyance, to be attested by the board's secretary; and creating an emergency."

The bill was read second time.

Mr. Barnett offered the following (committee) amendment to the bill:

Amend Senate bill No. 309 by striking out the words and figures "one hundred and forty (\$140) dollars" in Section 2 and insert in lieu thereof the words and figures "two hundred (\$200) dollars."

Mr. Johnson of Dimmit offered the following substitute for the amendment:

Amend Senate bill No. 309 by striking out in Section 2 the words and figures "one hundred forty dollars (\$140)" and insert in lieu thereof the following words and figures, "two hundred dollars (\$200)"; and also by striking out the additional words in Section 2, to-wit, "and at a price to be determined and fixed by an agreement between the Texas Prison Board and the said Benjamin Clayton."

The substitute amendment was adopted.

The (committee) amendment as substituted was then adopted.

Mr. Johnson of Dimmit offered the following amendment to the bill:

Amend Senate bill No. 309 by striking out the words "Benjamin Clayton" wherever they appear and insert in lieu thereof the words "the highest bidder."

The amendment was adopted.

Senate bill No. 309 was then passed to third reading.

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, February 22, 1929.

Hon. W. S. Barron, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed finally:

S. B. No. 227, A bill to be entitled

"An Act to safeguard life, health and property and the public welfare, and to protect the public against the irresponsible practice of the profession of architecture; defining and regulating the practice of architecture; creating a Board of Architectural Examiners; providing for their appointment, fixing the terms of office of the members of said board; providing for the appointment of their successors and for filling vacancies occurring in the membership of said board; fixing the qualifications of the members of said Board of Architectural Examiners; requiring such members to take the oath of office and file same in the office of the Secretary of State," etc.

S. B. No. 479. A bill to be entitled "An Act to amend Article 5053, Revised Statutes of 1925, relating to discrimination and other practices in connection with the sale of life insurance policies, so as to better regulate the sale of stocks, bonds and other securities in connection with life insurance policies; and declaring an emergency."

The Senate has concurred in House amendments to Senate bill No. 26 by a vote of 26 yeas, 1 nay.

The Senate has adopted the free conference committee report on Senate bill No. 36 by a vote of 26 yeas, 1 nay.

The Senate has adopted the free conference committee report on Senate bill No. 238 by a vote of 29 yeas, 0 nays.

The Senate has concurred in House amendments to Senate bill No. 73 by a viva voce vote.

Respectfully,

MORRIS C. HANKINS,

Assistant Secretary of the Senate.

#### COMMUNICATION IN REGARD TO STATE HIGHWAYS.

On motion of Mr. Justiss, the following communication was ordered printed in the Journal:

Kerens, Texas, February 21, 1929.

Representative A. N. Justiss, Austin Texas.

Dear Mr. Justiss: Several of the leading citizens of the community have asked the local Chamber of Commerce to express themselves upon the matter of a State policy for building and maintaining State highways. The directors of the Kerens Chamber of Commerce, in their regular meeting February 18th, directed me to write you in regard to this matter.

It is the sense of this body that the traffic should bear the burden of building and maintaining the State highways and that a tax upon gasoline be levied

for this purpose. The policy outlined by the committee of seven is acceptable to the Kerens Chamber of Commerce. We are also desirous of seeing the automobile license fees reduced and the remaining fees turned over to the counties.

Hope you will give this consideration.

Yours very truly,

KERENS CHAMBER OF COMMERCE.

HENRY ROSS, Secretary.

#### COMMUNICATION TO HON. JOHN H. WHITE.

The following communication from Hon. E. C. Gray, a former member of the House of Representatives, was ordered printed in the Journal:

Higgins, Texas, February 16, 1929.

Hon. John H. White, House of Representatives, Capitol Station, Austin, Texas.

Re: Strip of land along the 100th meridian.

My Dear Sir: I have been informed that there is a considerable sentiment against relief being given to the settlers along the 100th meridian, and that the sentiment is based upon the decision of the Supreme Court on the Red River boundary.

Now, I can hardly believe that the Legislature, when they stop to think about the matter, could arrive at a conclusion that innocent people should suffer because of a decision by the Supreme Court of the United States, even though they might believe that the Supreme Court's decision was wrong and did Texas an injustice.

In other words, my information is to the effect that the attitude of some people in Texas is retaliation because of said decision. Now, that retaliation does not affect the Supreme Court that made the decision, nor any member thereof. That retaliation reflects upon the people and injures people who were perfectly innocent in the transaction, who believed that they were getting a good title from the United States, who settled and made their homes on this strip of land and most of them have no other home. All they have is in this strip of land, and I cannot get it into my mind that the Legislature of Texas could go far astray on this subject as to refuse to postpone this land coming upon the market when the Supreme Court of the United States finally confirms the survey.

So, I will simply request that you, with others, try to pass through the Legislature a bill that will postpone

the coming upon the market of this strip of land when the United States Supreme Court finally confirms the survey and until the Legislature of Texas can take some further action.

Thanking you in advance for attempting this, I am,

Very truly yours,

E. C. GRAY.

#### SENATE BILL NO. 146 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 146, A bill to be entitled "An Act to amend Section 3 of Chapter 40 of the Fortieth Legislature, and to provide that the commissioners for the aid and assistance of the Court of Criminal Appeals of Texas shall hold office for a term of six years from their appointment, and providing for the filling of any vacancy; and declaring an emergency."

The bill was read second time and was passed to third reading.

#### SENATE BILL NO. 110 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to third reading,

S. B. No. 110, A bill to be entitled "An Act to amend Article 1302 of the Revised Civil Statutes of the State of Texas of 1925, so as to provide that private corporations may be formed for any lawful purpose or purposes except as specified in this act, and providing that nothing in this act shall be held to repeal or amend any general law of the State other than Article 1302 pertaining to the creation of corporations and the powers, duties and limitations thereof, or to repeal any law that forbids the creation of any corporation and providing that no corporation created under Article 1302, as herein amended, shall include as one of its purposes any purpose for which corporations may be created under the general laws of this State, other than Article 1302, and providing that no corporation created under Article 1302 as herein amended shall include as one of its purposes the practice of law or the practice of any of the healing arts and sciences, and providing that all corporations created under this act shall be required, after filing their charters with the Secretary of State, to record the same at length in the principal office of the corporation and shall

have such charter recorded in full in the records of the county clerk of the county in which such corporation has its principal office before such corporation shall do any business in this State, and providing that all amendments to such charters shall be recorded in like manner; and declaring an emergency."

The bill was read second time.

Mr. Storey offered the following (committee) amendment to the bill:

Amend Senate bill No. 110, Section 5, by adding after the words "to record" in line 3 of Section 5 the following, "a certified copy of," and by adding at the end of line 4 of Section 5, after the words "shall have" the words "a certified copy of."

The amendment was adopted.

Mr. Purl offered the following amendment to the bill:

Amend Senate bill No. 110, Section 4, line 23, by adding after the word "sciences" the following, "or the acting as local, recording or general agent for any insurance company."

Signed—Purl, McCombs.

The amendment was adopted.

Mr. McCombs offered the following amendment to the bill:

Amend Senate bill No. 110 by adding a new section to follow Section 5 and to be known as Section 6, to read as follows:

"This act shall not authorize the incorporation of a corporation for the purpose of conducting any sort of insurance or banking business, either alone or in connection with some other purposes."

And renumber Section 6 as Section 7.

The amendment was adopted.

Mr. Jenkins offered the following amendment to the bill:

Amend the bill by striking out the enacting clause.

Mr. Hopkins moved to table the amendment.

Yeas and nays were demanded, and the motion prevailed by the following vote:

Yeas—69.

Acker.	Forbes.
Albritton.	Gates.
Baker.	Gerron.
Baldwin.	Graves of Erath.
Beck.	Hardy.
Bradley.	Harding.
Carpenter.	Harrison.
Cox of Navarro.	Hefley.
Cox of Limestone.	Holder.
Davis.	Hopkins.
Enderby.	Johnson of Smith.

Johnson of Dimmit.	Pavlica.
Johnson of Scurry.	Petsch.
Justiss.	Pool.
Kayton.	Pope of Jones.
Keller.	Prendergast.
Kemble.	Purl.
Kennedy.	Quinn.
Kincaid.	Reader.
Kinnear.	Richardson.
Land.	Rountree.
Lee.	Sanders.
Lemens.	Sinks.
Mankin.	Smith.
Martin.	Snelgrove.
Mauritz.	Speck.
Maynard.	Strong.
McCombs.	Van Zandt.
McGill.	Waddell.
Montgomery.	Walters.
Morse.	Warwick.
Murphy.	Westbrook.
Olsen.	Williams
Palmer.	of Travis.
Patterson.	Woodall.

Nays—42.

Ackerman.	Minor.
Adkins.	Moore.
Bond.	Mosely.
Bounds.	Negley.
Brice.	O'Neill.
Brooks.	Pope of Nueces.
Chastain.	Ray.
Coltrin.	Renfro.
Conway.	Rogers.
DeWolfe.	Savage.
Eickenroht.	Shaver.
Finn.	Shelton.
Gilbert.	Sherrill.
Harper.	Simmons.
Graves	Stephens.
of Williamson.	Stevenson.
Heaton.	Turner.
Hubbard.	Veatch.
Jenkins.	Williams
King.	of Sabine.
Long of Wichita.	Woodruff.
McKean.	Young.
Metcalfe.	

Present—Not Voting.

Bateman.	Jones.
Giles.	Keeton.

Absent.

Anderson.	Loy.
Barnett.	McDonald.
Dunlap.	Mullally.
Duval.	Shipman.
Ewing.	Storey.
Finlay.	Tarwater.
Harman.	Thompson.
Hogg.	Thurmond.
Hornaday.	White.
Long of Houston.	Wiggs.

Absent—Excused.

Avis.	Reid.
Cox of Lamar.	Tillotson.
Fuchs.	Wallace.
Hines.	Webb.
Kenyon.	Williams
Mehl.	of Hardin.
Nicholson.	

Mr. Kemble offered the following amendment to the bill:

Amend Senate bill No. 110 by adding Section 5a, as follows:

"Provided, that no corporation shall be organized having two or more purposes, which are either competitive with each other or are not related or which are not consistent with each other."

The amendment was adopted.

Mr. Morse moved the previous question on the passage of the bill to third reading, and the main question was ordered.

Question recurring on the passage of the bill to third reading, yeas and nays were demanded.

Senate bill No. 110 then failed to pass to third reading by the following vote:

Yeas—43.

Acker.	Montgomery.
Bateman.	Morse.
Carpenter.	Murphy.
Cox of Navarro.	Olsen.
Cox of Limestone.	Pavlica.
Forbes.	Petsch.
Gates.	Pope of Jones.
Hardy.	Prendergast.
Harman.	Richardson.
Harrison.	Sinks.
Hefley.	Speck.
Hines.	Turner.
Hopkins.	Van Zandt.
Johnson	Veatch.
of Dimmit.	Walters.
Johnson of Scurry.	Warwick.
Jones.	Westbrook.
Keller.	Williams
Kemble.	of Sabine.
Kinnear.	Williams
Land.	of Travis.
McCombs.	Woodall.
McGill.	Young.
Metcalfe.	

Nays—72.

Ackerman.	Brooks.
Adkins.	Chastain.
Albritton.	Coltrin.
Baker.	Conway.
Baldwin.	Davis.
Barnett.	DeWolfe.
Bond.	Enderby.
Bounds.	Ewing.
Brice.	Eickenroht.

Finn.	Negley.
Gerron.	O'Neill.
Gilbert.	Palmer.
Giles.	Pool.
Graves	Pope of Nueces.
of Williamson.	Ray.
Graves of Erath.	Reader.
Harding.	Renfro.
Harper.	Rogers.
Heaton.	Rountree.
Holder.	Sanders.
Jenkins.	Savage.
Johnson of Smith.	Shaver.
Justiss.	Shelton.
Keeton.	Sherrill.
Kennedy.	Simmons.
Kincaid.	Smith.
King.	Snelgrove.
Lee.	Stephens.
Lemens.	Stevenson.
Long of Wichita.	Storey.
Mankin.	Strong.
Martin.	Tarwater.
Maynard.	Waddell.
McKean.	Wallace.
Minor.	White.
Moore.	Woodruff.

Absent.

Anderson.	Mauritz.
Beck.	McDonald.
Bradley.	Mosely.
Dunlap.	Mullally.
Duvall.	Patterson.
Finlay.	Purl.
Hogg.	Quinn.
Hornaday.	Shipman.
Kayton.	Thurmond.
Long of Houston.	Wiggs.
Loy.	

Absent—Excused.

Avis.	Reid.
Cox of Lamar.	Tillotson.
Fuchs.	Webb.
Kenyon.	Williams
Mehl.	of Hardin.
Nicholson.	

Paired.

Mr. Thompson (present), who would vote "yea," with Mr. Hubbard (absent), who would vote "nay."

Mr. McCombs moved to reconsider the vote by which the bill failed to pass to third reading, and asked to have the motion to reconsider spread on the Journal.

Mr. Barnett called up the motion to reconsider, and moved to lay it on the table.

The motion to table prevailed by the following vote:

Yeas—58.

Ackerman.	Lee.
Albritton.	Lemens.
Baker.	Long of Wichita.
Barnett.	Mankin.
Bond.	Martin.
Bounds.	McKean.
Brice.	Mehl.
Brooks.	Metcalf.
Chastain.	Minor.
Coltrin.	O'Neill.
Conway.	Palmer.
Davis.	Pool.
DeWolfe.	Renfro.
Enderby.	Rogers.
Finn.	Rountree.
Gilbert.	Sanders.
Giles.	Shaver.
Graves	Shelton.
of Williamson.	Sherrill.
Harding.	Simmons.
Harper.	Snelgrove.
Heaton.	Speck.
Holder.	Stephens.
Jenkins.	Stevenson.
Johnson of Smith.	Strong.
Justiss.	Tarwater.
Keeton.	Veatch.
Kennedy.	Waddell.
Kincaid.	Wallace.
King.	Woodruff.

Nays—54.

Adkins.	Moore.
Baldwin.	Morse.
Bateman.	Murphy.
Carpenter.	Negley.
Cox of Navarro.	Olsen.
Cox of Limestone.	Pavlica.
Ewing.	Petsch.
Eickenroht.	Pope of Jones.
Forbes.	Prendergast.
Gates.	Quinn.
Gerron.	Reader.
Hardy.	Richardson.
Harman.	Savage.
Harrison.	Sinks.
Hefley.	Smith.
Hines.	Storey.
Hopkins.	Turner.
Johnson	Van Zandt.
of Dimmit.	Walters.
Johnson of Scurry.	Warwick.
Keller.	Westbrook.
Kemble.	White.
Kinnear.	Williams
Land.	of Sabine.
Mauritz.	Williams
McCombs.	of Travis.
McGill.	Woodall.
Montgomery.	Young.

Present—Not Voting.

Jones.	Maynard.
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## Absent.

Acker.	Loy.
Anderson.	McDonald.
Beck.	Mosely.
Bradley.	Mullally.
Dunlap.	Patterson.
Duvall.	Pope of Nueces.
Finlay.	Purl.
Graves of Erath.	Ray.
Hogg.	Shipman.
Hornaday.	Thurmond.
Kayton.	Wiggs.
Long of Houston.	

## Absent—Excused.

Avis.	Reid.
Cox of Lamar.	Tillotson.
Fuchs.	Webb.
Kenyon.	Williams
Nicholson.	of Hardin.

## Paired.

Mr. Thompson (present), who would vote "nay," with Mr. Hubbard (absent), who would vote "yea."

### CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 238.

The Speaker laid before the House, for consideration at this time, the following conference committee report on Senate bill No. 238:

Committee Room,  
Austin, Texas, February —, 1929.

Hon. Barry Miller, President of the Senate and Hon. W. S. Barron, Speaker of the House of Representatives.

Sirs: We, your conference committee appointed by your respective bodies to consider Senate bill No. 238, have had said bill under consideration and beg leave to report that we have reached the following agreement:

The principal points of disagreement between the two houses were the matter of paying for the summer schools of 1928, and for appropriations for additional equipment for the engineering and science buildings of the Texas Technological College at Lubbock.

The Senate bill provided for the payment of unpaid portions of teachers' salaries and also to reimburse the local funds used by such institutions in paying the expenses of such summer schools; while the House had stricken the entire appropriation for the 1928 summer school from the bill. The Senate committee receded from its position to reimburse the local funds of the educa-

tional institutions for amounts expended for the 1928 summer schools; while the House committee agreed to pay unpaid portions of teachers' salaries of same.

An appropriation of \$50,000 each for additional equipment for the engineering and science buildings carried in the Senate bill and stricken out by the House was restored to \$25,000 for each building.

No appropriation was carried in the Senate bill for the 1929 summer school at A. & M. College, and an appropriation of \$15,000 is included in this report.

Emergency appropriations of \$400,000 for rural aid carried in the Senate bill and eliminated by the House because the latter had already passed a separate bill caring for this emergency, was restored by including in this report \$375,000 for such purpose, because it was decided this would expedite this matter.

An item of \$300,000 to carry out the provisions of Chapter 36, Acts of the Fortieth Legislature, guaranteeing a six months term to rural schools qualified to receive such, is inserted in this bill, and is the same as contained in House bill No. 573.

The other changes are small in amount and will more fully appear by reference to the conference committee report attached hereto and made a part hereof.

Respectfully submitted,  
POLLARD,  
THOMASON,  
MILLER,  
PATTON,  
MOORE,

On part of the Senate.

WALLACE,  
McGILL,  
WOODALL,  
MURPHY,  
GRAVES,

On part of the House.

### A BILL

#### To Be Entitled

An Act making certain emergency appropriations out of the general revenue of the State of Texas for the several institutions and departments of State government as named herein for the balance of the fiscal year ending August 31, 1929, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the following sums of money be, and the same are, hereby



appropriated out of any money in the State Treasury not otherwise appropriated, to cover emergency appropriations for the several institutions and departments of the State government named herein, for the balance of the fiscal year ending August 31, 1929, which appropriations shall be immediately available, and shall be for the emergencies hereinafter stated.

**The Agricultural and Mechanical College.**

Session of summer school for the year 1929.....\$15,000.00  
For a tunnel to connect the new library building to the main system, and for the installation of water mains, sewer mains, steam mains, electric light mains..... 25,000.00  
For expenses of foul brood inspectors in the administration of the foul brood law, the division of entomology, foul brood eradication, for the period from January 1, 1929, to August 31, 1929.. 3,000.00  
**Total .....\$43,000.00**

**North Texas Agricultural College.**

General repairs on buildings.\$ 4,629.98  
Lights, heat, power, water and fuel for the year ending August 31, 1929..... 4,085.93  
Janitor's supplies..... 435.00  
Student labor used in the operation and maintenance of the college for the year ending August 31, 1929.... 1,000.00  
Printing catalogues, bulletins, etc..... 675.00  
Departmental maintenance for agriculture ..... 1,044.00  
**Total .....\$11,869.91**

**John Tarleton Agricultural College.**

Summer school session for the year ending August 31, 1928 .....\$ 9,930.53  
Summer school session for the year ending August 31, 1929 ..... 17,000.00  
Heat, light, power, water, sewerage, etc., for the year ending August 31, 1929... 7,000.00  
Repairs on buildings..... 15,000.00  
Printing catalogues, bulletins, etc. .... 1,500.00  
Departmental maintenance... 5,000.00

Salaries ..... 5,000.00  
Erection and building of streets and drainage system of the campus..... 12,000.00  
**Total .....\$72,430.53**

**University of Texas.**

Session of summer school for the year 1929.....\$35,000.00  
Session of summer school, College of Mines and Metallurgy ..... 3,000.00  
**Total .....\$38,000.00**

**College of Industrial Arts.**

Session of summer school for the year 1928.....\$15,607.96  
Session of summer school for the year 1929..... 25,250.00  
Departmental maintenance and repairs ..... 13,500.00  
Salaries for long term..... 22,425.00  
Additional salaries, second semester ..... 2,400.00  
Hospital and equipment..... 50,000.00  
**Total .....\$129,182.96**

**Texas Technological College.**

Additional salaries for janitors .....\$ 4,400.00  
For additional maintenance for current year..... 25,000.00  
Deficit of 40% on summer school salaries last summer. 15,983.45  
Additional salaries for summer school, 1929..... 30,000.00  
Additional equipment needed for science building..... 25,000.00  
Additional equipment needed for engineering building... 25,000.00  
Additional equipment for home economics ..... 10,000.00  
**Total .....\$135,383.45**

**East Texas State Teachers College.**

Session of summer school for the year 1929.....\$25,000.00  
Fuel, heat, light, power, etc.. 2,500.00  
**Total .....\$27,500.00**

**South Texas State Teachers College.**

Session of summer school for the year 1928.....\$19,054.74  
Session of summer school for the year 1929..... 60,000.00  
**Total .....\$79,054.74**

## Sam Houston State Teachers College.

Session of summer school for the year 1928.....	\$ 6,220.00
Session of summer school for the year 1929.....	25,000.00
Replace equipment of cafeteria destroyed by fire.....	4,200.00
Curb, gutter and repairs on roads on campus.....	3,370.00
Necessary expenses for preservation and maintenance of Sam Houston home grounds	8,000.00

Total .....\$46,790.00

## North Texas State Teachers College.

Summer school salaries for the year 1928.....	\$ 8,302.34
Session summer school for the year 1929 .....	21,923.00

Total .....\$30,225.34

## Stephen F. Austin State Teachers College.

Session of summer school for the year 1928.....	\$ 6,133.00
Session of summer school for the year 1929.....	25,000.00
Fuel, heat, plumbing, etc....	3,000.00
Additional teachers for the spring term of 1929.....	2,400.00

Total .....\$36,533.00

## Southeast Texas State Teachers College.

Session of summer school for the year 1928.....	\$ 6,079.00
Session of summer school for the year 1929.....	26,000.00
Fuel, water, lights, heat, power, etc. ....	1,750.00
Improvement of home economics building .....	5,000.00

Total .....\$38,829.00

## Sul Ross State Teachers College.

Session of summer school for the year 1928.....	\$ 5,622.18
Session of summer school for the year 1929.....	17,658.85
Repairs on the administration building roof .....	1,000.00
Heating plant at president's residence .....	1,200.00
Completion of the gymnasium building .....	10,356.10
Paving streets around college campus .....	2,053.85

Total .....\$37,891.06

## West Texas State Teachers College.

Session of summer school for the year 1928.....	\$11,569.32
Session of summer school for the year 1929.....	26,000.00
Fuel, lights, heat, power, etc.	6,000.00
Repairing roof, boiler and putting in new water heaters, etc. ....	2,327.86

Total .....\$45,897.18

## Rural Aid Appropriations.

For the purpose of paying the valid claims against the State of Texas, and the carrying out of the provisions of Chapter 36, General and Special Laws of the Fortieth Legislature, for the year ending August 31, 1928, as approved by the State Board of Education. \$175,000.00

For the purpose of paying the valid claims against the State of Texas, and the carrying out of the provisions of Chapter 36, General and Special Laws of the Fortieth Legislature, for the year ending August 31, 1929, as approved by the State Board of Education. 200,000.00

There is hereby appropriated out of any funds in the State Treasury not otherwise appropriated the sum of \$300,000.00, or so much thereof as may be necessary, to guarantee a term of six months to every rural school which is qualified to receive such aid under the provisions of Chapter 36, Acts of the Fortieth Legislature:

Total of rural aid appropriations .....\$675,000.00  
Grand total of emergency appropriations .....\$1,447,607.17

Sec. 2. The fact that the appropriations for the above items are exhausted or will become exhausted before the expiration of the time for which the same was appropriated creates an emergency and an imperative public necessity which justifies the suspension of the constitutional rule requiring bills to be read on three several days in each house, and said rule is hereby suspended, and that this act shall take effect and be in force from and after its passage, and it is so enacted.

On motion of Mr. Wallace the report was adopted by the following vote:

## Yeas—111.

Mr. Speaker.	Mankin.
Acker.	Martin.
Ackerman.	Mauritz.
Adkins.	Maynard.
Baker.	McGill.
Baldwin.	Mehl.
Barnett.	Metcalfe.
Bateman.	Minor.
Bond.	Montgomery.
Bounds.	Moore.
Brice.	Morse.
Brooks.	Murphy.
Carpenter.	Negley.
Chastain.	O'Neill.
Coltrin.	Palmer.
Conway.	Patterson.
Cox of Navarro.	Pavlica.
Cox of Limestone.	Petsch.
Davis.	Pool.
DeWolfe.	Pope of Jones.
Dunlap.	Pope of Nueces.
Duval.	Prendergast.
Enderby.	Quinn.
Ewing.	Reader.
Eickenroht.	Renfro.
Finn.	Richardson.
Forbes.	Rogers.
Gerron.	Rountree.
Gilbert.	Savage.
Giles.	Shaver.
Graves	Shelton.
of Williamson.	Sherrill.
Graves of Erath.	Simmons.
Hardy.	Sinks.
Harding.	Smith.
Harman.	Snelgrove.
Harper.	Speck.
Harrison.	Stephens.
Heaton.	Stevenson.
Hefley.	Storey.
Hines.	Strong.
Holder.	Tarwater.
Jenkins.	Thompson.
Johnson	Turner.
of Dimmit.	Veatch.
Johnson of Smith.	Waddell.
Johnson of Scurry.	Wallace.
Justiss.	Walters.
Keeton.	Warwick.
Keller.	Westbrook.
Kemble.	White.
Kincaid.	Williams
King.	of Sabine.
Kinnear.	Williams
Land.	of Travis.
Lee.	Woodall.
Lemens.	Woodruff.
Long of Wichita.	Young.

## Nays—2.

McCombs. McKean.

## Present—Not Voting.

## Kennedy.

## Absent.

Albritton.	Loy.
Anderson.	McDonald.
Beck.	Mosely.
Bradley.	Mullally.
Finlay.	Olsen.
Gates.	Purl.
Hogg.	Ray.
Hopkins.	Sanders.
Hornaday.	Shipman.
Hubbard.	Thurmond.
Jones.	Van Zandt.
Kayton.	Wiggs.
Long of Houston.	

## Absent—Excused.

Avis.	Reid.
Cox of Lamar.	Tillotson.
Fuchs.	Webb.
Kenyon.	Williams
Nicholson.	of Hardin.

## ADJOURNMENT.

On motion of Mr. Young, the House, at 12:15 o'clock p. m., adjourned until 12:17 o'clock p. m., Friday, February 22, 1929.

## THIRTY-SECOND DAY.

(Friday, February 22, 1929.)

The House met at 12:17 o'clock p. m., pursuant to adjournment, and was called to order by Speaker Barron.

The roll was called and the following members were present:

Mr. Speaker.	Dunlap.
Acker.	Duval.
Ackerman.	Enderby.
Adkins.	Ewing.
Albritton.	Eickenroht.
Baker.	Finn.
Baldwin.	Forbes.
Barnett.	Gates.
Bateman.	Gerron.
Beck.	Gilbert.
Bond.	Giles.
Bounds.	Graves
Bradley.	of Williamson.
Brice.	Graves of Erath.
Brooks.	Hardy.
Carpenter.	Harding.
Chastain.	Harman.
Coltrin.	Harper.
Conway.	Harrison.
Cox of Navarro.	Heaton.
Cox of Limestone.	Hefley.
Davis.	Hines.
DeWolfe.	Holder.